

HOUSE BILL No. 1098

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-6-14; IC 16-27-2; IC 25-1; IC 25-2.1-13-1; IC 25-4-2-10; IC 25-6.1-7-3; IC 25-7; IC 25-8; IC 25-10-1-14; IC 25-14-1-14; IC 25-15-8-19; IC 25-23.6-8.5; IC 25-26-13; IC 25-27-1-12; IC 25-30-1; IC 25-31-1-29; IC 25-32-1; IC 25-33-1-16; IC 25-34.1; IC 25-34.5-3-2; IC 27-8-6-1; IC 27-13-1-18; IC 34-30-2-2.5; IC 35-48.

Synopsis: Occupational licensing. Establishes procedures for the attorney general to seize, secure, store, and destroy abandoned or at risk health records and other records containing personally identifying information. Creates a health records and personal information protection trust fund to pay for costs associated with securing and maintaining the records. Allows a criminal history check for employees of home health agencies and personal services agencies to be provided through a private agency. Removes the July 1, 2010, expiration that allows limited criminal histories to be used for employees of home health agencies and personal services agencies. Establishes a uniform procedure to allow a board of a regulated occupation to issue a cease and desist order to an unlicensed person who engages in an activity that requires a license. Repeals and makes conforming changes concerning cease and desist and injunction orders. Merges the cosmetology and barbers boards into one board. Changes the membership on the board of cosmetology and barber examiners. Relocates barber statutes.
(Continued next page)

Effective: June 30, 2010; July 1, 2010.

Welch, Brown C, Messmer

January 5, 2010, read first time and referred to Committee on Labor and Employment.

C
o
p
y



Digest Continued

Establishes a mental health counselor associate license. Requires reimbursement under a policy of accident and sickness insurance or health maintenance organization contract for services provided by a licensed athletic trainer on an equal basis to reimbursement under the policy or contract for the health care services provided by other health care providers. Eliminates the controlled substances advisory committee and transfers responsibilities to the Indiana board of pharmacy. Provides for automatic revocation of controlled substances advisory commission permit if a physician's license is revoked. (Current law requires a separate administrative process to take place if a physician's license is revoked.) Repeals laws concerning the certification of environmental health specialists and licensure of hypnotists. Makes conforming changes.

**C
o
p
y**



Introduced

Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

C
O
P
Y

HOUSE BILL No. 1098

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 4-6-14 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2010]:
4 **Chapter 14. Health Records and Identifying Information**
5 **Protection**
6 **Sec. 1.** As used in this chapter, "health care provider" means a
7 person listed in IC 16-39-7-1(a)(1) through IC 16-39-7-1(a)(11).
8 **Sec. 2.** As used in this chapter, "personal information" has the
9 meaning set forth in IC 24-4.9-2-10.
10 **Sec. 3.** As used in this chapter, "regulated professional" means
11 an individual who is regulated by a board listed under
12 IC 25-1-11-1.
13 **Sec. 4.** The attorney general shall establish a system to protect
14 abandoned or at risk health records and other records that contain
15 personal information. As part of the system, the attorney general



may do the following with the documents:

- (1) Seize.
- (2) Store.
- (3) Maintain.
- (4) Transfer.
- (5) Protect.

Sec. 5. The attorney general shall do the following:

- (1) Investigate allegations that a health care provider has:
 - (A) abandoned;
 - (B) attempted to destroy; or
 - (C) distributed or is attempting to distribute;
 original patient health records, in violation of IC 16-39-7-1(b).
- (2) Investigate allegations that a regulated professional has:
 - (A) abandoned;
 - (B) attempted to destroy or is destroying; or
 - (C) distributed or is attempting to distribute;
 records containing personal information, in violation of IC 24-4.9.
- (3) Cooperate with federal, state, and local law enforcement agencies in the investigation and prosecution of criminal, civil, or administrative actions concerning patient health records or other records that contain personal information.

Sec. 6. (a) The attorney general may do any of the following when conducting an investigation under section 5 of this chapter:

- (1) Issue and serve a subpoena for:
 - (A) the production, seizure, and preservation of the original records, including records stored in electronic data processing systems, books, papers, and documents; and
 - (B) the appearance of a person to provide testimony under oath.
- (2) Apply to the Marion Circuit Court to enforce a subpoena described in subdivision (1).
- (3) Notify the patients and those individuals identified in:
 - (A) health records; or
 - (B) records or documents that contain personal information;

that the attorney general has taken possession of the records or documents. The notice in this subdivision must include information about the procedure for either obtaining originals or copies of the records or having the original records sent to a duly authorized subsequent treating health care provider.

**C
o
p
y**



(b) The attorney general is entitled to costs in any enforcement action under this chapter.

Sec. 7. (a) The attorney general shall maintain an original patient health record obtained under section 6 of this chapter for the lesser of the following:

(1) The time required under IC 16-39-7-1 and IC 16-39-7-2.

(2) Three (3) years after the date the records are seized or secured.

(b) When the time expires under subsection (a), the attorney general may destroy the original patient records obtained under section 4 of this chapter.

Sec. 8. (a) The attorney general shall maintain records that are not health records but contain personal information for at least three (3) years after the date the records are seized or secured.

(b) When the time expires under subsection (a) and after notification under section 6 of this chapter, the attorney general may destroy the records that contain personal information.

Sec. 9. (a) The health records and personal identifying information protection trust fund is established for the purpose of paying storage, maintenance, copying, mailing, and transfer of:

(1) patient health records; and

(2) records containing personal information;

as required under this chapter. Expenditures from the trust fund may be made only to carry out the purposes of this subsection.

(b) Subject to subsection (c), if a health care provider or a regulated professional is disciplined under IC 25-1-9 or IC 25-1-11, the board that issues the disciplinary order shall impose a mandatory civil penalty against the individual of five dollars (\$5). The civil penalty must be deposited into the health records and personal identifying information protection trust fund.

(c) If the amount in the health records and personal identifying information protection trust fund exceeds seventy-five thousand dollars (\$75,000), the civil penalty imposed under subsection (b) may not be imposed on an individual who is subject to a disciplinary order.

(d) The attorney general shall administer the trust fund.

(e) The expenses of administering the trust fund shall be paid from the money in the fund.

(f) The treasurer of state shall invest the money in the trust fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(g) Money in the trust fund at the end of a state fiscal year does

C
o
p
y



not revert to the state general fund.

Sec. 10. The attorney general is immune from civil liability for destroying or failing to maintain custody and control of any record obtained under this chapter.

Sec. 11. (a) The following may cooperate with the attorney general's office to implement this chapter:

(1) The Indiana professional licensing agency and the appropriate board that regulates a health care provider or a regulated professional under IC 25.

(2) The state police department.

(3) A prosecuting attorney.

(4) Local law enforcement agencies.

(5) Federal law enforcement agencies.

(b) The attorney general may:

(1) file a complaint against a health care provider or a regulated professional with an entity listed in subsection (a); and

(2) cooperate in an investigation concerning a health care provider or a regulated professional conducted by an entity listed in subsection (a);

to carry out the purposes of this chapter.

Sec. 12. The attorney general may adopt rules under IC 4-22-2 that are necessary to administer and implement this chapter.

SECTION 2. IC 16-27-2-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 0.5.** As used in this chapter, "expanded criminal history check" means a criminal history check of an individual, obtained through a private agency, that includes the following:

(1) A search of the records maintained by all counties in Indiana in which the individual who is the subject of the background check resided.

(2) A search of the records maintained by all counties or similar governmental units in another state, if the individual who is the subject of the background check resided in another state.

SECTION 3. IC 16-27-2-2.1, AS ADDED BY P.L.197-2007, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 30, 2010]: **Sec. 2.1.** As used in this chapter, "national criminal history background check" ~~has the meaning set forth in IC 10-13-3-12.~~ means the determination provided by the state police department under IC 10-13-3-39(i).

SECTION 4. IC 16-27-2-4, AS AMENDED BY P.L.177-2009,

C
o
p
y



SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 30, 2010]: Sec. 4. (a) A person who operates a home health agency under IC 16-27-1 or a personal services agency under IC 16-27-4 shall apply, not more than three (3) business days after the date that an employee begins to provide services in a patient's temporary or permanent residence, for a copy of the employee's

(1) ~~national criminal history; or~~

(2) ~~until July 1, 2010; limited criminal history, unless the person is required to obtain a national criminal history background check or an expanded criminal history check under subsection (b) or (c).~~

(b) If a person who operates a home health agency under IC 16-27-1 or a personal services agency under IC 16-27-4 determines an employee lived outside Indiana at any time during the two (2) years immediately before the date the individual was hired by the home health agency or personal services agency, the home health agency or personal services agency shall apply, not more than three (3) business days after the date that an employee begins to provide services in a patient's temporary or permanent residence, for a ~~determination concerning the employee's national criminal history~~ **background check or expanded criminal history check.** ~~This subsection expires June 30, 2010.~~

(c) If, more than three (3) days after an employee begins providing services in a patient's temporary or permanent residence, a person who operates a home health agency under IC 16-27-1 or a personal services agency under IC 16-27-4 discovers the employee lived outside Indiana during the two (2) years immediately before the date the individual was hired, the agency shall apply, not more than three (3) business days after the date the agency learns the employee lived outside Indiana, for a ~~determination concerning the employee's national criminal history~~ **background check or expanded criminal history check.** ~~This subsection expires June 30, 2010.~~

(d) A home health agency or personal services agency may not employ a person to provide services in a patient's or client's temporary or permanent residence for more than three (3) business days without applying for:

(1) ~~a:~~

(A) ~~(1) a national criminal history~~ **background check or an expanded criminal history check as required** under subsection (a)(1); (b) or (c); or

(B) ~~(2) a limited criminal history as required by subsection (a)(2) until June 30, 2010; or (a).~~

C
o
p
y



(2) a determination concerning that person's national criminal history background check as required by:

(A) subsection (a)(1); or

(B) subsection (b) or (c) until June 30, 2010.

SECTION 5. IC 16-27-2-5, AS AMENDED BY P.L.177-2009, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 30, 2010]: Sec. 5. (a) Except as provided in subsection (b), a person who operates a home health agency under IC 16-27-1 or a personal services agency under IC 16-27-4 may not employ a person to provide services in a patient's or client's temporary or permanent residence if that person's limited criminal history, ~~or~~ national criminal history **background check, or expanded criminal history check** indicates that the person has been convicted of any of the following:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2).

(3) Exploitation of an endangered adult (IC 35-46-1-12).

(4) Failure to report battery, neglect, or exploitation of an endangered adult (IC 35-46-1-13).

(5) Theft (IC 35-43-4), if the conviction for theft occurred less than ten (10) years before the person's employment application date.

(6) A felony that is substantially equivalent to a felony listed in:

(A) subdivisions (1) through (4); or

(B) subdivision (5), if the conviction for theft occurred less than ten (10) years before the person's employment application date;

for which the conviction was entered in another state.

(b) A home health agency or personal services agency may not employ a person to provide services in a patient's or client's temporary or permanent residence for more than twenty-one (21) calendar days without receipt of that person's limited criminal history, ~~or~~ national criminal history background check, **or expanded criminal history check**, required by section 4 of this chapter, unless ~~either~~ the state police department, ~~or~~ the Federal Bureau of Investigation under IC 10-13-3-39, **or the private agency providing the expanded criminal history check** is responsible for failing to provide the person's limited criminal history, ~~or~~ national criminal history background check, **or expanded criminal history check** to the home health agency or personal services agency within the time required under this subsection.

SECTION 6. IC 25-1-2-2.1, AS AMENDED BY P.L.177-2009, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

C
o
p
y



JULY 1, 2010]: Sec. 2.1. Rather than being issued annually, the following permits, licenses, certificates of registration, or evidences of authority granted by a state agency must be issued for a period of two (2) years or for the period specified in the article under which the permit, license, certificate of registration, or evidence of authority is issued if the period specified in the article is longer than two (2) years:

- (1) Certified public accountants, public accountants, and accounting practitioners.
- (2) Architects and landscape architects.
- (3) Dry cleaners.
- (4) Professional engineers.
- (5) Land surveyors.
- (6) Real estate brokers.
- (7) Real estate agents.
- (8) Security dealers' licenses issued by the securities commissioner.
- (9) Dental hygienists.
- (10) Dentists.
- (11) Veterinarians.
- (12) Physicians.
- (13) Chiropractors.
- (14) Physical therapists.
- (15) Optometrists.
- (16) Pharmacists and assistants, drugstores or pharmacies.
- (17) Motels and mobile home community licenses.
- (18) Nurses.
- (19) Podiatrists.
- (20) Occupational therapists and occupational therapy assistants.
- (21) Respiratory care practitioners.
- (22) Social workers, marriage and family therapists, and mental health counselors.
- (23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.
- (24) Wholesale legend drug distributors.
- (25) Physician assistants.
- (26) Dietitians.
- ~~(27) Hypnotists.~~
- ~~(28)~~ (27) Athlete agents.
- ~~(29)~~ (28) Manufactured home installers.
- ~~(30)~~ (29) Home inspectors.
- ~~(31)~~ (30) Massage therapists.
- ~~(32)~~ (31) Interior designers.

C
o
p
y



~~(33)~~ **(32)** Genetic counselors.

SECTION 7. IC 25-1-2-6, AS AMENDED BY P.L.122-2009, SECTION 1, AND AS AMENDED BY P.L.160-2009, SECTION 4, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:

- (1) Indiana board of accountancy.
- (2) Indiana grain buyers and warehouse licensing agency.
- (3) Indiana auctioneer commission.
- (4) Board of registration for architects and landscape architects.
- ~~(5) State board of barber examiners.~~
- ~~(6)~~ **(5)** State board of cosmetology **and barber** examiners.
- ~~(7)~~ **(6)** Medical licensing board of Indiana.
- ~~(8)~~ **(7)** Secretary of state.
- ~~(9)~~ **(8)** State board of dentistry.
- ~~(10)~~ **(9)** State board of funeral and cemetery service.
- ~~(11)~~ **(10)** Worker's compensation board of Indiana.
- ~~(12)~~ **(11)** Indiana state board of health facility administrators.
- ~~(13)~~ **(12)** Committee of hearing aid dealer examiners.
- ~~(14)~~ **(13)** Indiana state board of nursing.
- ~~(15)~~ **(14)** Indiana optometry board.
- ~~(16)~~ **(15)** Indiana board of pharmacy.
- ~~(17)~~ **(16)** Indiana plumbing commission.
- ~~(18)~~ **(17)** Board of podiatric medicine.
- ~~(19)~~ **(18)** Private investigator and security guard licensing board.
- ~~(20)~~ **(19)** State board of registration for professional engineers.
- ~~(21) Board of environmental health specialists.~~
- ~~(22)~~ **(20)** State psychology board.
- ~~(23)~~ **(21)** Indiana real estate commission.
- ~~(24)~~ **(22)** Speech-language pathology and audiology board.
- ~~(25)~~ **(23)** Department of natural resources.
- ~~(26)~~ **(24)** State ~~boxing~~ athletic commission.
- ~~(27)~~ **(25)** Board of chiropractic examiners.
- ~~(28)~~ **(26)** Mining board.
- ~~(29)~~ **(27)** Indiana board of veterinary medical examiners.
- ~~(30)~~ **(28)** State department of health.

C
o
p
y



- ~~(31)~~ **(29)** Indiana physical therapy committee.
~~(32)~~ **(30)** Respiratory care committee.
~~(33)~~ **(31)** Occupational therapy committee.
~~(34)~~ *Social worker, marriage and family therapist, and mental health counselor* **(32)** Behavioral health and human services licensing board.
~~(35)~~ **(33)** Real estate appraiser licensure and certification board.
~~(36)~~ **(34)** State board of registration for land surveyors.
~~(37)~~ **(35)** Physician assistant committee.
~~(38)~~ **(36)** Indiana dietitians certification board.
~~(39)~~ ~~Indiana hypnotist committee.~~
~~(40)~~ **(37)** Attorney general (only for the regulation of athlete agents).
~~(41)~~ **(38)** Manufactured home installer licensing board.
~~(42)~~ **(39)** Home inspectors licensing board.
~~(43)~~ **(40)** State board of massage therapy.
~~(44)~~ **(41)** Any other occupational or professional agency created after June 30, 1981.

(c) Notwithstanding any other law, the entities included in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least sixty (60) days prior to the expiration of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.

SECTION 8. IC 25-1-4-0.3, AS AMENDED BY P.L.122-2009, SECTION 2, AND AS AMENDED BY P.L.160-2009, SECTION 5, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 0.3. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
 (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
 (3) Indiana athletic trainers board (IC 25-5.1-2-1).
 (4) Indiana auctioneer commission (IC 25-6.1-2-1).
~~(5) State board of barber examiners (IC 25-7-5-1).~~
~~(6) State boxing commission (IC 25-9-1).~~
~~(7)~~ **(5)** Board of chiropractic examiners (IC 25-10-1).
~~(8)~~ **(6)** State board of cosmetology **and barber** examiners (IC 25-8-3-1).

C
o
p
y



- ~~(7)~~ (7) State board of dentistry (IC 25-14-1).
- ~~(7)~~ (8) Indiana dietitians certification board (IC 25-14.5-2-1).
- ~~(7)~~ (9) State board of registration for professional engineers (IC 25-31-1-3).
- ~~(7)~~ Board of environmental health specialists ~~(IC 25-32-1)~~.
- ~~(7)~~ (10) State board of funeral and cemetery service (IC 25-15-9).
- ~~(7)~~ (11) Indiana state board of health facility administrators (IC 25-19-1).
- ~~(7)~~ (12) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).
- ~~(7)~~ (13) Home inspectors licensing board (IC 25-20.2-3-1).
- ~~(7)~~ Indiana hypnotist committee ~~(IC 25-20.5-1-7)~~.
- ~~(7)~~ (14) State board of registration for land surveyors (IC 25-21.5-2-1).
- ~~(7)~~ (15) Manufactured home installer licensing board (IC 25-23.7).
- ~~(7)~~ (16) Medical licensing board of Indiana (IC 25-22.5-2).
- ~~(7)~~ (17) Indiana state board of nursing (IC 25-23-1).
- ~~(7)~~ (18) Occupational therapy committee (IC 25-23.5).
- ~~(7)~~ (19) Indiana optometry board (IC 25-24).
- ~~(7)~~ (20) Indiana board of pharmacy (IC 25-26).
- ~~(7)~~ (21) Indiana physical therapy committee (IC 25-27-1).
- ~~(7)~~ (22) Physician assistant committee (IC 25-27.5).
- ~~(7)~~ (23) Indiana plumbing commission (IC 25-28.5-1-3).
- ~~(7)~~ (24) Board of podiatric medicine (IC 25-29-2-1).
- ~~(7)~~ (25) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- ~~(7)~~ (26) State psychology board (IC 25-33).
- ~~(7)~~ (27) Indiana real estate commission (IC 25-34.1-2).
- ~~(7)~~ (28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- ~~(7)~~ (29) Respiratory care committee (IC 25-34.5).
- ~~(7)~~ *Social worker, marriage and family therapist, and mental health counselor* (30) Behavioral health and human services licensing board (IC 25-23.6).
- ~~(7)~~ (31) Speech-language pathology and audiology board (IC 25-35.6-2).
- ~~(7)~~ (32) Indiana board of veterinary medical examiners (IC 25-38.1-2).

SECTION 9. IC 25-1-5-3, AS AMENDED BY P.L.122-2009, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

C
o
p
y



JULY 1, 2010]: Sec. 3. (a) There is established the Indiana professional licensing agency. The agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

- (1) Board of chiropractic examiners (IC 25-10-1).
- (2) State board of dentistry (IC 25-14-1).
- (3) Indiana state board of health facility administrators (IC 25-19-1).
- (4) Medical licensing board of Indiana (IC 25-22.5-2).
- (5) Indiana state board of nursing (IC 25-23-1).
- (6) Indiana optometry board (IC 25-24).
- (7) Indiana board of pharmacy (IC 25-26).
- (8) Board of podiatric medicine (IC 25-29-2-1).
- ~~(9) Board of environmental health specialists (IC 25-32).~~
- ~~(10)~~ (9) Speech-language pathology and audiology board (IC 25-35.6-2).
- ~~(11)~~ (10) State psychology board (IC 25-33).
- ~~(12)~~ (11) Indiana board of veterinary medical examiners (IC 25-38.1-2).
- ~~(13) Controlled substances advisory committee (IC 35-48-2-1).~~
- ~~(14)~~ (12) Committee of hearing aid dealer examiners (IC 25-20).
- ~~(15)~~ (13) Indiana physical therapy committee (IC 25-27).
- ~~(16)~~ (14) Respiratory care committee (IC 25-34.5).
- ~~(17)~~ (15) Occupational therapy committee (IC 25-23.5).
- ~~(18)~~ (16) Behavioral health and human services licensing board (IC 25-23.6).
- ~~(19)~~ (17) Physician assistant committee (IC 25-27.5).
- ~~(20)~~ (18) Indiana athletic trainers board (IC 25-5.1-2-1).
- ~~(21)~~ (19) Indiana dietitians certification board (IC 25-14.5-2-1).
- ~~(22) Indiana hypnotist committee (IC 25-20.5-1-7).~~

(b) Nothing in this chapter may be construed to give the agency policy making authority, which authority remains with each board.

SECTION 10. IC 25-1-5-10, AS AMENDED BY P.L.122-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 10. (a) As used in this section, "provider" means an individual licensed, certified, registered, or permitted by any of the following:

- (1) Board of chiropractic examiners (IC 25-10-1).
- (2) State board of dentistry (IC 25-14-1).
- (3) Indiana state board of health facility administrators (IC 25-19-1).

C
o
p
y



- (4) Medical licensing board of Indiana (IC 25-22.5-2).
 (5) Indiana state board of nursing (IC 25-23-1).
 (6) Indiana optometry board (IC 25-24).
 (7) Indiana board of pharmacy (IC 25-26).
 (8) Board of podiatric medicine (IC 25-29-2-1).
~~(9) Board of environmental health specialists (IC 25-32-1).~~
~~(10)~~ (9) Speech-language pathology and audiology board
 (IC 25-35.6-2).
~~(11)~~ (10) State psychology board (IC 25-33).
~~(12)~~ (11) Indiana board of veterinary medical examiners
 (IC 25-38.1-2).
~~(13)~~ (12) Indiana physical therapy committee (IC 25-27).
~~(14)~~ (13) Respiratory care committee (IC 25-34.5).
~~(15)~~ (14) Occupational therapy committee (IC 25-23.5).
~~(16)~~ (15) Behavioral health and human services licensing board
 (IC 25-23.6).
~~(17)~~ (16) Physician assistant committee (IC 25-27.5).
~~(18)~~ (17) Indiana athletic trainers board (IC 25-5.1-2-1).
~~(19)~~ (18) Indiana dietitians certification board (IC 25-14.5-2-1).
~~(20) Indiana hypnotist committee (IC 25-20.5-1-7).~~

(b) The agency shall create and maintain a provider profile for each provider described in subsection (a).

(c) A provider profile must contain the following information:

- (1) The provider's name.
- (2) The provider's license, certification, registration, or permit number.
- (3) The provider's license, certification, registration, or permit type.
- (4) The date the provider's license, certification, registration, or permit was issued.
- (5) The date the provider's license, certification, registration, or permit expires.
- (6) The current status of the provider's license, certification, registration, or permit.
- (7) The provider's city and state of record.
- (8) A statement of any disciplinary action taken against the provider within the previous ten (10) years by a board or committee described in subsection (a).

(d) The agency shall make provider profiles available to the public.

(e) The computer gateway administered by the office of technology established by IC 4-13.1-2-1 shall make the information described in subsection (c)(1), (c)(2), (c)(3), (c)(6), (c)(7), and (c)(8) generally

**C
o
p
y**



1 available to the public on the Internet.

2 (f) The agency may adopt rules under IC 4-22-2 to implement this
3 section.

4 SECTION 11. IC 25-1-7-1, AS AMENDED BY P.L.1-2009,
5 SECTION 138, AS AMENDED BY P.L.122-2009, SECTION 5, AND
6 AS AMENDED BY P.L.160-2009, SECTION 7, IS CORRECTED
7 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
8 2010]: Sec. 1. As used in this chapter:

9 "Board" means the appropriate agency listed in the definition of
10 regulated occupation in this section.

11 "Director" refers to the director of the division of consumer
12 protection.

13 "Division" refers to the division of consumer protection, office of
14 the attorney general.

15 "Licensee" means a person who is:

16 (1) licensed, certified, or registered by a board listed in this
17 section; and

18 (2) the subject of a complaint filed with the division.

19 "Person" means an individual, a partnership, a limited liability
20 company, or a corporation.

21 "Regulated occupation" means an occupation in which a person is
22 licensed, certified, or registered by one (1) of the following:

23 (1) Indiana board of accountancy (IC 25-2.1-2-1).

24 (2) Board of registration for architects and landscape architects
25 (IC 25-4-1-2).

26 (3) Indiana auctioneer commission (IC 25-6.1-2-1).

27 ~~(4) State board of barber examiners (IC 25-7-5-1);~~

28 ~~(5) (4) State *boxing* athletic commission (IC 25-9-1).~~

29 ~~(6) (5) Board of chiropractic examiners (IC 25-10-1).~~

30 ~~(7) (6) State board of cosmetology and barber examiners~~
31 ~~(IC 25-8-3-1).~~

32 ~~(8) (7) State board of dentistry (IC 25-14-1).~~

33 ~~(9) (8) State board of funeral and cemetery service (IC 25-15-9).~~

34 ~~(10) (9) State board of registration for professional engineers~~
35 ~~(IC 25-31-1-3).~~

36 ~~(11) (10) Indiana state board of health facility administrators~~
37 ~~(IC 25-19-1).~~

38 ~~(12) (11) Medical licensing board of Indiana (IC 25-22.5-2).~~

39 ~~(13) (12) Indiana state board of nursing (IC 25-23-1).~~

40 ~~(14) (13) Indiana optometry board (IC 25-24).~~

41 ~~(15) (14) Indiana board of pharmacy (IC 25-26).~~

42 ~~(16) (15) Indiana plumbing commission (IC 25-28.5-1-3).~~

C
o
p
y



- ~~(17)~~ **(16)** Board of podiatric medicine (IC 25-29-2-1).
~~(18)~~ Board of environmental health specialists ~~(IC 25-32-1)~~.
~~(19)~~ **(17)** State psychology board (IC 25-33).
~~(20)~~ **(18)** Speech-language pathology and audiology board
 (IC 25-35.6-2).
~~(21)~~ **(19)** Indiana real estate commission (IC 25-34.1-2).
~~(22)~~ **(20)** Indiana board of veterinary medical examiners
 (IC 25-38.1).
~~(23)~~ **(21)** Department of natural resources for purposes of
 licensing water well drillers under IC 25-39-3.
~~(24)~~ **(22)** Respiratory care committee (IC 25-34.5).
~~(25)~~ **(23)** Private investigator and security guard licensing board
 (IC 25-30-1-5.2).
~~(26)~~ **(24)** Occupational therapy committee (IC 25-23.5).
~~(27)~~ *Social worker, marriage and family therapist, and mental
 health counselor* **(25)** Behavioral health and human services
 licensing board (IC 25-23.6).
~~(28)~~ **(26)** Real estate appraiser licensure and certification board
 (IC 25-34.1-8).
~~(29)~~ **(27)** State board of registration for land surveyors
 (IC 25-21.5-2-1).
~~(30)~~ **(28)** Physician assistant committee (IC 25-27.5).
~~(31)~~ **(29)** Indiana athletic trainers board (IC 25-5.1-2-1).
~~(32)~~ **(30)** Indiana dietitians certification board (IC 25-14.5-2-1).
~~(33)~~ *Indiana hypnotist committee* ~~(IC 25-20.5-1-7)~~.
~~(34)~~ **(31)** Indiana physical therapy committee (IC 25-27).
~~(35)~~ **(32)** Manufactured home installer licensing board
 (IC 25-23.7).
~~(36)~~ **(33)** Home inspectors licensing board (IC 25-20.2-3-1).
~~(37)~~ **(34)** State department of health, for out-of-state mobile
 health care entities.
~~(38)~~ **(35)** State board of massage therapy (IC 25-21.8-2-1).
~~(39)~~ **(36)** Any other occupational or professional agency created
 after June 30, 1981.

SECTION 12. IC 25-1-7-14 IS ADDED TO THE INDIANA CODE
 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 1, 2010]: **Sec. 14. (a) If the board of a regulated occupation believes
 that a person who is not licensed, certified, or registered under this
 title is engaged in or is believed to be engaged in activities for
 which a license, certification, or registration is required under this
 title, the board may do the following:**

- (1) The board may file a complaint with the attorney general,**

C
 o
 p
 y



1 who shall investigate and may file:

2 (A) with notice; or

3 (B) without notice, if the attorney general determines that
4 person is engaged in activities that may affect an
5 individual's health or safety;

6 a motion for a cease and desist order with the appropriate
7 board.

8 (2) Upon review of the attorney general's motion for a cease
9 and desist order, the board may issue an order requiring the
10 affected person to show cause why the person should not be
11 ordered to cease and desist from such activities. The show
12 cause order must set forth a time and place for a hearing at
13 which the affected person may appear and show cause as to
14 why the person should not be subject to licensing,
15 certification, or registration under this title.

16 (b) If the board, after a hearing, determines that the activities
17 in which the person is engaged are subject to licensing,
18 certification, or registration under this title, the board may issue
19 a cease and desist order that shall describe the person and
20 activities that are the subject of the order.

21 (c) A hearing conducted under this section must comply with the
22 requirements under IC 4-21.5.

23 (d) A cease and desist order issued under this section is
24 enforceable in the circuit or superior courts. A person who is
25 enjoined under a cease and desist order and who violates the order
26 shall be punished for contempt of court.

27 (e) A cease and desist order issued under this section does not
28 relieve any person from criminal prosecution.

29 SECTION 13. IC 25-1-8-1, AS AMENDED BY P.L.122-2009,
30 SECTION 6, AND AS AMENDED BY P.L.160-2009, SECTION 8, IS
31 CORRECTED AND AMENDED TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2010]: Sec. 1. As used in this chapter, "board"
33 means any of the following:

34 (1) Indiana board of accountancy (IC 25-2.1-2-1).

35 (2) Board of registration for architects and landscape architects
36 (IC 25-4-1-2).

37 (3) Indiana auctioneer commission (IC 25-6.1-2-1).

38 ~~(4) State board of barber examiners (IC 25-7-5-1);~~

39 ~~(5) (4) State boxing athletic commission (IC 25-9-1).~~

40 ~~(6) (5) Board of chiropractic examiners (IC 25-10-1).~~

41 ~~(7) (6) State board of cosmetology and barber examiners~~
42 ~~(IC 25-8-3-1).~~

C
o
p
y



- 1 ~~(8)~~ (7) State board of dentistry (IC 25-14-1).
- 2 ~~(9)~~ (8) State board of funeral and cemetery service (IC 25-15).
- 3 ~~(10)~~ (9) State board of registration for professional engineers
- 4 (IC 25-31-1-3).
- 5 ~~(11)~~ (10) Indiana state board of health facility administrators
- 6 (IC 25-19-1).
- 7 ~~(12)~~ (11) Medical licensing board of Indiana (IC 25-22.5-2).
- 8 ~~(13)~~ (12) Mining board (IC 22-10-1.5-2).
- 9 ~~(14)~~ (13) Indiana state board of nursing (IC 25-23-1).
- 10 ~~(15)~~ (14) Indiana optometry board (IC 25-24).
- 11 ~~(16)~~ (15) Indiana board of pharmacy (IC 25-26).
- 12 ~~(17)~~ (16) Indiana plumbing commission (IC 25-28.5-1-3).
- 13 ~~(18)~~ Board of environmental health specialists ~~(IC 25-32-1)~~.
- 14 ~~(19)~~ (17) State psychology board (IC 25-33).
- 15 ~~(20)~~ (18) Speech-language pathology and audiology board
- 16 (IC 25-35.6-2).
- 17 ~~(21)~~ (19) Indiana real estate commission (IC 25-34.1-2-1).
- 18 ~~(22)~~ (20) Indiana board of veterinary medical examiners
- 19 (IC 25-38.1-2-1).
- 20 ~~(23)~~ (21) Department of insurance (IC 27-1).
- 21 ~~(24)~~ (22) State police department (IC 10-11-2-4), for purposes of
- 22 certifying polygraph examiners under IC 25-30-2.
- 23 ~~(25)~~ (23) Department of natural resources for purposes of
- 24 licensing water well drillers under IC 25-39-3.
- 25 ~~(26)~~ (24) Private investigator and security guard licensing board
- 26 (IC 25-30-1-5.2).
- 27 ~~(27)~~ (25) Occupational therapy committee (IC 25-23.5-2-1).
- 28 ~~(28)~~ *Social worker, marriage and family therapist, and mental*
- 29 *health counselor* (26) *Behavioral health and human services*
- 30 *licensing* board (IC 25-23.6-2-1).
- 31 ~~(29)~~ (27) Real estate appraiser licensure and certification board
- 32 (IC 25-34.1-8).
- 33 ~~(30)~~ (28) State board of registration for land surveyors
- 34 (IC 25-21.5-2-1).
- 35 ~~(31)~~ (29) Physician assistant committee (IC 25-27.5).
- 36 ~~(32)~~ (30) Indiana athletic trainers board (IC 25-5.1-2-1).
- 37 ~~(33)~~ (31) Board of podiatric medicine (IC 25-29-2-1).
- 38 ~~(34)~~ (32) Indiana dietitians certification board (IC 25-14.5-2-1).
- 39 ~~(35)~~ (33) Indiana physical therapy committee (IC 25-27).
- 40 ~~(36)~~ (34) Manufactured home installer licensing board
- 41 (IC 25-23.7).
- 42 ~~(37)~~ (35) Home inspectors licensing board (IC 25-20.2-3-1).

C
o
p
y



~~(38)~~ **(36)** State board of massage therapy (IC 25-21.8-2-1).

~~(39)~~ **(37)** Any other occupational or professional agency created after June 30, 1981.

SECTION 14. IC 25-1-8-6, AS AMENDED BY P.L.122-2009, SECTION 7, AND AS AMENDED BY P.L.160-2009, SECTION 9, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 6. (a) As used in this section, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects (IC 25-4-1-2).

(3) Indiana athletic trainers board (IC 25-5.1-2-1).

(4) Indiana auctioneer commission (IC 25-6.1-2-1).

~~(5) State board of barber examiners (IC 25-7-5-1);~~

~~(6) State boxing commission (IC 25-9-1);~~

~~(7)~~ **(5)** Board of chiropractic examiners (IC 25-10-1).

~~(8)~~ **(6)** State board of cosmetology **and barber** examiners (IC 25-8-3-1).

~~(9)~~ **(7)** State board of dentistry (IC 25-14-1).

~~(10)~~ **(8)** Indiana dietitians certification board (IC 25-14.5-2-1).

~~(11)~~ **(9)** State board of registration for professional engineers (IC 25-31-1-3).

~~(12) Board of environmental health specialists (IC 25-32-1);~~

~~(13)~~ **(10)** State board of funeral and cemetery service (IC 25-15-9).

~~(14)~~ **(11)** Indiana state board of health facility administrators (IC 25-19-1).

~~(15)~~ **(12)** Committee of hearing aid dealer examiners (IC 25-20-1-1.5).

~~(16)~~ **(13)** Home inspectors licensing board (IC 25-20.2-3-1).

~~(17) Indiana hypnotist committee (IC 25-20.5-1-7);~~

~~(18)~~ **(14)** State board of registration for land surveyors (IC 25-21.5-2-1).

~~(19)~~ **(15)** Manufactured home installer licensing board (IC 25-23.7).

~~(20)~~ **(16)** Medical licensing board of Indiana (IC 25-22.5-2).

~~(21)~~ **(17)** Indiana state board of nursing (IC 25-23-1).

~~(22)~~ **(18)** Occupational therapy committee (IC 25-23.5).

~~(23)~~ **(19)** Indiana optometry board (IC 25-24).

~~(24)~~ **(20)** Indiana board of pharmacy (IC 25-26).

~~(25)~~ **(21)** Indiana physical therapy committee (IC 25-27).

~~(26)~~ **(22)** Physician assistant committee (IC 25-27.5).

C
o
p
y



- 1 ~~(27)~~ **(23)** Indiana plumbing commission (IC 25-28.5-1-3).
 2 ~~(28)~~ **(24)** Board of podiatric medicine (IC 25-29-2-1).
 3 ~~(29)~~ **(25)** Private investigator and security guard licensing board
 4 (IC 25-30-1-5.2).
 5 ~~(30)~~ **(26)** State psychology board (IC 25-33).
 6 ~~(31)~~ **(27)** Indiana real estate commission (IC 25-34.1-2).
 7 ~~(32)~~ **(28)** Real estate appraiser licensure and certification board
 8 (IC 25-34.1-8).
 9 ~~(33)~~ **(29)** Respiratory care committee (IC 25-34.5).
 10 ~~(34)~~ *Social worker, marriage and family therapist, and mental*
 11 *health counselor* **(30)** Behavioral health and human services
 12 licensing board (IC 25-23.6).
 13 ~~(35)~~ **(31)** Speech-language pathology and audiology board
 14 (IC 25-35.6-2).
 15 ~~(36)~~ **(32)** Indiana board of veterinary medical examiners
 16 (IC 25-38.1).
 17 ~~(37)~~ **(33)** State board of massage therapy (IC 25-21.8-2-1).

18 (b) This section does not apply to a license, certificate, or
 19 registration that has been revoked or suspended.

20 (c) Notwithstanding any other law regarding the reinstatement of a
 21 delinquent or lapsed license, certificate, or registration and except as
 22 provided in section 8 of this chapter, the holder of a license, certificate,
 23 or registration that was issued by the board that is three (3) years or less
 24 delinquent must be reinstated upon meeting the following
 25 requirements:

- 26 (1) Submission of the holder's completed renewal application.
 27 (2) Payment of the current renewal fee established by the board
 28 under section 2 of this chapter.
 29 (3) Payment of a reinstatement fee established by the Indiana
 30 professional licensing agency.
 31 (4) If a law requires the holder to complete continuing education
 32 as a condition of renewal, the holder:
 33 (A) shall provide the board with a sworn statement, signed by
 34 the holder, that the holder has fulfilled the continuing
 35 education requirements required by the board; or
 36 (B) shall, if the holder has not complied with the continuing
 37 education requirements, meet any requirements imposed under
 38 IC 25-1-4-5 and IC 25-1-4-6.

39 (d) Notwithstanding any other law regarding the reinstatement of a
 40 delinquent or lapsed license, certificate, or registration and except as
 41 provided in section 8 of this chapter, unless a statute specifically does
 42 not allow a license, certificate, or registration to be reinstated if it has

C
o
p
y



lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee equal to the current initial application fee.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:
 - (A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or
 - (B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.
- (5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.
- (6) Any other requirement that is provided for in statute or rule that is not related to fees.

SECTION 15. IC 25-1-9-1, AS AMENDED BY P.L.122-2009, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Board of chiropractic examiners (IC 25-10-1).
- (2) State board of dentistry (IC 25-14-1).
- (3) Indiana state board of health facility administrators (IC 25-19-1).
- (4) Medical licensing board of Indiana (IC 25-22.5-2).
- (5) Indiana state board of nursing (IC 25-23-1).
- (6) Indiana optometry board (IC 25-24).
- (7) Indiana board of pharmacy (IC 25-26).
- (8) Board of podiatric medicine (IC 25-29-2-1).
- ~~(9) Board of environmental health specialists (IC 25-32).~~
- ~~(+0)~~ (9) Speech-language pathology and audiology board (IC 25-35.6-2).
- ~~(+1)~~ (10) State psychology board (IC 25-33).
- ~~(+2)~~ (11) Indiana board of veterinary medical examiners (IC 25-38.1-2).
- ~~(+3)~~ (12) Indiana physical therapy committee (IC 25-27-1).
- ~~(+4)~~ (13) Respiratory care committee (IC 25-34.5).

C
o
p
y



- ~~(15)~~ **(14)** Occupational therapy committee (IC 25-23.5).
~~(16)~~ **(15)** Behavioral health and human services licensing board
 (IC 25-23.6).
~~(17)~~ **(16)** Physician assistant committee (IC 25-27.5).
~~(18)~~ **(17)** Indiana athletic trainers board (IC 25-5.1-2-1).
~~(19)~~ **(18)** Indiana dietitians certification board (IC 25-14.5-2-1).
~~(20)~~ **Indiana hypnotist committee (IC 25-20.5-1-7).**

SECTION 16. IC 25-1-9-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 17. The board ~~and the controlled substances advisory committee (IC 35-48-2-1)~~ may require an applicant for licensure to appear before the board ~~or committee~~ before issuing a license.

SECTION 17. IC 25-1-11-1, AS AMENDED BY P.L.160-2009, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
 (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
 (3) Indiana auctioneer commission (IC 25-6.1-2).
~~(4) State board of barber examiners (IC 25-7-5-1).~~
~~(5)~~ **(4)** State athletic commission (IC 25-9-1).
~~(6)~~ **(5)** State board of cosmetology **and barber** examiners (IC 25-8-3-1).
~~(7)~~ **(6)** State board of registration of land surveyors (IC 25-21.5-2-1).
~~(8)~~ **(7)** State board of funeral and cemetery service (IC 25-15-9).
~~(9)~~ **(8)** State board of registration for professional engineers (IC 25-31-1-3).
~~(10)~~ **(9)** Indiana plumbing commission (IC 25-28.5-1-3).
~~(11)~~ **(10)** Indiana real estate commission (IC 25-34.1-2-1).
~~(12)~~ **(11)** Real estate appraiser licensure and certification board (IC 25-34.1-8).
~~(13)~~ **(12)** Private investigator and security guard licensing board (IC 25-30-1-5.2).
~~(14)~~ **(13)** Manufactured home installer licensing board (IC 25-23.7).
~~(15)~~ **(14)** Home inspectors licensing board (IC 25-20.2-3-1).
~~(16)~~ **(15)** State board of massage therapy (IC 25-21.8-2-1).

SECTION 18. IC 25-1-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

C
o
p
y



Chapter 16. Evaluation of Regulated Occupations

Sec. 1. As used in this chapter, "agency " refers to the Indiana professional licensing agency.

Sec. 2. As used in this chapter, "board" means an entity that regulates a specific regulated occupation.

Sec. 3. As used in this chapter, "committee" refers to the regulated occupations evaluation committee established by section 6 of this chapter.

Sec. 4. As used in this chapter, "license" means:

- (1) an unlimited license, certificate, or registration;
- (2) a limited or probationary license, certificate, or registration;
- (3) a temporary license, certificate, registration, or permit;
- (4) an intern permit; or
- (5) a provisional license;

issued by the board regulating the regulated occupation in question.

Sec. 5. As used in this chapter, "regulated occupation" has the meaning set forth in IC 25-1-7-1.

Sec. 6. The regulated occupations evaluation committee is established.

Sec. 7. (a) The committee consists of the following individuals:

- (1) The dean of the Indiana University School of Public and Environmental Affairs or the dean's designee. The dean or the dean's designee shall serve as chairperson of the committee.
- (2) The director of the agency or the director's designee.
- (3) The attorney general or the attorney general's designee
- (4) Two (2) individuals appointed by the governor who are licensed in a regulated occupation.
- (5) Two (2) individuals appointed by the governor who are not licensed in a regulated occupation.

(b) The term of a member appointed under subsection (a)(4) and (a)(5) is three (3) years.

Sec. 8. (a) The committee shall review and evaluate each regulated occupation. The review and evaluation must include the following:

- (1) The functions, powers, and duties of the regulated occupation and the board, including any functions, powers, or duties that are inconsistent with current or projected practice of the occupation.
- (2) An assessment of the management efficiency of the board.
- (3) An assessment of the regulated occupation's and the

**C
o
p
y**



board's ability to meet the objectives of the general assembly in licensing the regulated occupation.

(4) Any other criteria identified by the committee.

(b) The committee shall prepare a report concerning each regulated occupation that the committee reviews and evaluates. The report must contain the following:

(1) The number of individuals who are licensed in the regulated occupation.

(2) A summary of the board's functions and actions.

(3) The budget and other fiscal factors of regulating the regulated occupation.

(4) An assessment of the effect of the regulated occupation on the state's economy, including consumers and businesses.

(5) Any recommendations for legislation, including whether a regulated occupation should be modified, combined with another board, or terminated.

(6) Any recommendations for administrative changes.

Sec. 9. (a) The board shall cooperate with the committee, as the committee determines is necessary for its review and evaluation.

(b) The committee shall allow testimony concerning each regulated occupation that is being reviewed and evaluated.

Sec. 10. The committee shall establish a schedule to review and evaluate each regulated occupation. Each regulated occupation must be reviewed and evaluated at least every seven (7) years.

Sec. 11. (a) The agency shall provide staff and administrative support to the committee.

(b) The committee may hire, with approval of the director of the agency, an individual to assist the committee.

(c) The expenditures of the committee shall be paid from appropriations to the agency.

Sec. 12. (a) Each member of the committee who is not a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the committee who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

C
o
p
y



1 **Sec. 13. The committee shall submit a report to the:**

- 2 (1) governor;
3 (2) health finance commission; and
4 (3) legislative services agency;

5 **not later than July 1 of each year. The report submitted to the**
6 **legislative services agency must be in an electronic format under**
7 **IC 5-14-6.**

8 SECTION 19. IC 25-4-2-10 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 10. (a) Any person
10 who:

- 11 (1) renders or offers to render services to the public, if the words
12 "landscape architecture" or "registered landscape architecture" are
13 used to describe these services;
14 (2) uses the title "registered landscape architect" or "landscape
15 architect"; or
16 (3) engages in the practice of landscape architecture described in
17 section 1 of this chapter;

18 without a current registration issued under this chapter commits a Class
19 B infraction. A person who affixes a registered landscape architect's
20 seal to a plan, specification, or drawing that has not been prepared by
21 a currently registered landscape architect or under the immediate
22 supervision of a currently registered landscape architect commits a
23 Class B infraction.

24 (b) Each day a violation described in this section continues to occur
25 constitutes a separate offense.

26 (c) ~~The board may appear in its own name in the courts of the state~~
27 ~~and apply for injunctions to prevent violations of this chapter.~~

28 SECTION 20. IC 25-8-2-2.1 IS ADDED TO THE INDIANA CODE
29 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
30 1, 2010]: **Sec. 2.1. "Barber" means a person licensed under**
31 **IC 25-8-12.1.**

32 SECTION 21. IC 25-8-2-2.2 IS ADDED TO THE INDIANA CODE
33 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
34 1, 2010]: **Sec. 2.2. "Barber instructor" means a person licensed**
35 **under IC 25-8-6.4 to teach barbering.**

36 SECTION 22. IC 25-8-2-2.3 IS ADDED TO THE INDIANA CODE
37 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
38 1, 2010]: **Sec. 2.3. "Barber school" means an establishment licensed**
39 **under IC 25-8-6.3 that offers training in barbering.**

40 SECTION 23. IC 25-8-2-2.4 IS ADDED TO THE INDIANA CODE
41 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
42 1, 2010]: **Sec. 2.4. "Barbershop" means an establishment licensed**

C
o
p
y



under IC 25-8-8.1 that offers barbering to the public.

SECTION 24. IC 25-8-2-2.6, AS ADDED BY P.L.78-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2.6. "Beauty culture professional" refers to the following:

- (1) A cosmetologist licensed under IC 25-8-9.
- (2) An electrologist licensed under IC 25-8-10.
- (3) A manicurist licensed under IC 25-8-11.
- (4) An esthetician licensed under IC 25-8-12.5.
- (5) An instructor licensed under IC 25-8-6.

(6) A barber licensed under IC 25-8-12.1.

SECTION 25. IC 25-8-2-2.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2.7. (a) "Barbering" means performing one (1) or more of the following practices upon the head, face, or neck of a person:

- (1) Cutting, trimming, styling, arranging, dressing, curling, permanent waving, cleansing, bleaching, tinting, coloring, or similarly treating hair.
- (2) Shaving or trimming beards and mustaches.
- (3) Applying oils, creams, antiseptics, clays, powders, lotions, or other preparations, either by hand or by mechanical appliances, in the performance of facial or scalp massage.

(b) "Barbering" does not include performing any of the acts described in subsection (b) when done:

- (1) in treating illness or disease;
- (2) as a student in a barber school that complies with IC 25-8-6.3-6; or
- (3) without compensation.

SECTION 26. IC 25-8-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. "Board" refers to the state board of cosmetology **and barber** examiners.

SECTION 27. IC 25-8-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 10. "Instructor" means a person:

- (1) licensed under IC 25-8-6 to teach in a cosmetology school; **or**
- (2) **licensed under IC 25-8-6.4 to teach in a barber school.**

SECTION 28. IC 25-8-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. The state board of cosmetology **and barber** examiners is established.

SECTION 29. IC 25-8-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) Each of the

C
o
p
y



1 remaining five (5) members of the board must reside in Indiana.

2 (b) ~~At least three (3)~~ **The members of the board must meet the**
3 **following qualifications:**

4 (1) ~~Two (2)~~ of the members described in subsection (a) must:
5 have been licensed cosmetologists practicing in

6 (A) possess a current cosmetologist license; and

7 (B) have practiced cosmetology salons in Indiana
8 continuously for at least five (5) years immediately before
9 appointment.

10 (2) ~~Two (2)~~ of the members of the board must:

11 (A) possess a current barber license; and

12 (B) have practiced barbering in Indiana continuously for
13 at least five (5) years immediately before appointment.

14 ~~(c) Two (2)~~ (3) ~~One (1)~~ of the members described in subsection
15 ~~(a)~~ may must be owners an owner or operators operator of a
16 barber or cosmetology schools. ~~One (1)~~ of the members
17 described in this subsection must be a licensed cosmetologist.
18 ~~One (1)~~ of school. However, the members described in this
19 subsection is member may not required to be a licensed barber
20 or cosmetologist.

21 ~~(d) Not more than two (2) members of the board may be:~~

22 ~~(1) owners of;~~

23 ~~(2) operators of;~~

24 ~~(3) members of the board of directors of;~~

25 ~~(4) employees of; or~~

26 ~~(5) contractors with;~~

27 a cosmetology school.

28 (4) One (1) of the members must be licensed as an
29 electrologist, an esthetician, or a manicurist.

30 (5) One (1) of the members must have no association with
31 cosmetology or barbering, except as a consumer.

32 SECTION 30. IC 25-8-3-23, AS AMENDED BY P.L.197-2007,
33 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2010]: Sec. 23. (a) The board shall adopt rules under
35 IC 4-22-2 to:

36 (1) prescribe sanitary requirements for:

37 (A) cosmetology salons;

38 (B) electrology salons;

39 (C) esthetic salons;

40 (D) manicuring salons; and

41 (E) cosmetology schools;

42 (F) barbershops; and

C
o
p
y



- 1 **(G) barber schools;**
- 2 (2) establish standards for the practice of cosmetology and the
- 3 operation of:
- 4 (A) cosmetology salons;
- 5 (B) electrology salons;
- 6 (C) esthetic salons;
- 7 (D) manicuring salons; ~~and~~
- 8 (E) cosmetology schools;
- 9 **(F) barbershops; and**
- 10 **(G) barber schools;**
- 11 (3) implement the licensing system under this article and provide
- 12 for a staggered renewal system for licenses; and
- 13 (4) establish requirements for cosmetology school uniforms for
- 14 students and instructors.
- 15 (b) The board may adopt rules under IC 4-22-2 to establish the
- 16 following for the practice of cosmetology, **barbering**, electrology,
- 17 esthetics, or manicuring in a mobile salon:
- 18 (1) Sanitation standards.
- 19 (2) Safety requirements.
- 20 (3) Permanent address requirements at which the following are
- 21 located:
- 22 (A) Records of appointments.
- 23 (B) License numbers of employees.
- 24 (C) If applicable, the vehicle identification number of the
- 25 license holder's self-contained facility.
- 26 (4) Enforcement actions to ensure compliance with the
- 27 requirements under this article and all local laws and ordinances.
- 28 SECTION 31. IC 25-8-3-26 IS AMENDED TO READ AS
- 29 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 26. The board shall
- 30 furnish each person licensed to operate:
- 31 (1) a cosmetology salon;
- 32 (2) an electrology salon;
- 33 (3) an esthetic salon;
- 34 (4) a manicuring salon; ~~or~~
- 35 (5) a cosmetology school;
- 36 **(6) a barbershop; or**
- 37 **(7) a barber school;**
- 38 with a copy of the rules concerning sanitary requirements described in
- 39 section ~~23(1)~~ **23(a)(1)** of this chapter.
- 40 SECTION 32. IC 25-8-3-27 IS AMENDED TO READ AS
- 41 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 27. A person operating:
- 42 (1) a cosmetology salon;

C
o
p
y

- (2) an electrology salon;
- (3) an esthetic salon;
- (4) a manicuring salon; ~~or~~
- (5) a cosmetology school;
- (6) a barbershop; or**
- (7) a barber school;**

shall post the rules described in section 26 of this chapter in a conspicuous place in that salon or school.

SECTION 33. IC 25-8-3-28, AS AMENDED BY P.L.177-2009, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 28. (a) A member of the board or any inspector or investigator may inspect:

- (1) a cosmetology salon;
- (2) an electrology salon;
- (3) an esthetic salon;
- (4) a manicuring salon;
- (5) a cosmetology school; ~~or~~
- (6) a mobile salon;
- (7) a barbershop; or**
- (8) a barber school;**

during its regular business hours.

(b) A member of the board or any inspector or investigator may inspect:

- (1) a cosmetology salon;
- (2) an electrology salon;
- (3) an esthetic salon;
- (4) a manicuring salon;
- (5) a cosmetology school; ~~or~~
- (6) a mobile salon;
- (7) a barbershop; or**
- (8) a barber school;**

before an initial license is issued.

SECTION 34. IC 25-8-3-29 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 29. (a) The board may not adopt a rule establishing different standards for an inmate or former inmate of a penal institution who applies for:**

- (1) admission to barber school; or**
- (2) a license as a registered barber.**

(b) A person who graduates from a barber school operated by a penal institution may not have the person's license denied or revoked as a result of the acts for which the person was convicted.

C
o
p
y



SECTION 35. IC 25-8-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. The provisions of this article requiring a person to obtain a license do not apply to a person performing cosmetology as a:

- (1) ~~licensed student in a barber under IC 25-7;~~ **school;**
- (2) commissioned medical or surgical officer of the United States armed forces;
- (3) chiropractor (as defined by IC 25-10-1-1(2));
- (4) embalmer (as defined by IC 25-15-2-8);
- (5) funeral director (as defined by IC 25-15-2-12);
- (6) registered nurse (as defined by IC 25-23-1-1.1(a));
- (7) licensed practical nurse (as defined by IC 25-23-1-1.2);
- (8) physician (as defined by IC 25-22.5-1-1.1(g));
- (9) podiatrist (as defined by IC 25-29-1-13);
- (10) person conducting an educational activity involving cosmetology at a scheduled meeting of an association that:
 - (A) recognizes a group of its members as cosmetologists; and
 - (B) is not open to persons who are not licensed under this chapter; or
- (11) student in a cosmetology school.

SECTION 36. IC 25-8-4-2, AS AMENDED BY P.L.177-2009, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) If the board determines that:

- (1) a person possesses a valid license from another jurisdiction to perform acts that require a license under this article; and
- (2) the jurisdiction issuing the license imposes substantially equal requirements on applicants for the license as are imposed on applicants for an Indiana license;

the board may issue a license to perform those acts in Indiana to that person upon payment of the fee required under IC 25-8-13.

(b) This subsection applies only to applications for a cosmetologist license under IC 25-8-9. If the jurisdiction issuing the license does not impose substantially equal requirements for education hours as required under subsection (a)(2), the board may approve the combination of education hours plus actual licensed practice in the other jurisdiction when issuing a license to a person from that jurisdiction. One (1) year of licensed practice is equal to one hundred (100) hours of education to an applicant who has completed a minimum of one thousand (1,000) hours of education.

(c) This subsection applies only to applications for a manicurist license under IC 25-8-11. If the jurisdiction issuing a license does not impose substantially equal requirements for education hours as

C
o
p
y



required under subsection (a)(2), the board may approve the combination of education hours plus actual licensed practice in the other jurisdiction when issuing a license to a person from that jurisdiction, as follows:

(1) For an applicant with less than twenty (20) years of actual licensed practice as a manicurist, one (1) year of licensed practice is equal to one hundred (100) hours of education to an applicant who has completed at least three hundred (300) hours of education.

(2) For an applicant with twenty (20) or more years of actual licensed practice as a manicurist, one (1) year of licensed practice is equal to one hundred (100) hours of education to an applicant who has completed at least one hundred (100) hours of education.

(d) This subsection applies only to applications for an electrologist license under IC 25-8-10. If the jurisdiction issuing a license does not impose substantially equal requirements for education hours as required under subsection (a)(2), the board may approve the combination of education hours plus actual licensed practice in the other jurisdiction when issuing a license to a person from that jurisdiction. One (1) year of licensed practice as an electrologist is equal to one hundred (100) hours of education to an applicant who has completed at least two hundred (200) hours of education.

(e) This subsection applies only to applications for an esthetician license under IC 25-8-12.5. If the jurisdiction issuing a license does not impose substantially equal requirements for education hours as required under subsection (a)(2), the board may approve the combination of education hours plus actual licensed practice in the other jurisdiction when issuing a license to a person from that jurisdiction. One (1) year of licensed practice as an esthetician is equal to one hundred (100) hours of education to an applicant who has completed at least four hundred (400) hours of education.

(f) This subsection applies only to applications for a beauty culture instructor license under IC 25-8-6. If the jurisdiction issuing a license does not impose substantially equal requirements for education hours as required under subsection (a)(2), the board may approve the combination of education hours plus actual licensed practice in the other jurisdiction when issuing a license to a person from that jurisdiction. One (1) year of licensed practice as a beauty culture instructor is equal to one hundred (100) hours of education to an applicant who has completed at least seven hundred (700) hours of education.

(g) This subsection applies only to applications for a barber

C
o
p
y



1 license under IC 25-8-12.1. If the jurisdiction issuing the license
 2 does not impose substantially equivalent requirements as required
 3 under subsection (a)(2), the board may approve a combination of
 4 education hours plus actual licensed practice in the other
 5 jurisdiction when issuing a license to a person from that
 6 jurisdiction. One (1) year of licensed practice is equal to one
 7 hundred (100) hours of education to an applicant who has
 8 completed at least one thousand (1,000) hours of education.

9 SECTION 37. IC 25-8-4-4 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. A license issued
 11 under this article may not be transferred unless:

- 12 (1) the license is a cosmetology salon **or barbershop** license; and
- 13 (2) the person holding the license was required to change the
 14 location of the cosmetology salon **or barbershop** by
 15 circumstances that the board determines were beyond the control
 16 of that person.

17 SECTION 38. IC 25-8-4-7, AS AMENDED BY P.L.157-2006,
 18 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2010]: Sec. 7. (a) Each applicant must pass a final practical
 20 demonstration examination of the acts permitted by the license. The
 21 applicant's cosmetology school **or barber school** shall administer the
 22 final practical demonstration examination.

23 (b) The board shall conduct a written examination of the applicants
 24 for a cosmetologist license **and a barber license** at least once each
 25 month. The board shall conduct a written examination of the applicants
 26 for all other licenses issued under this article at least four (4) times
 27 each year. The written examinations described in this section:

- 28 (1) shall be conducted at the times and places determined by the
 29 board; and
- 30 (2) may be administered through computer based testing.

31 SECTION 39. IC 25-8-4-8 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8. The examinations
 33 described in section 7 of this chapter must include:

- 34 (1) a practical demonstration of the acts permitted by the license;
 35 and
- 36 (2) a written test concerning the licensed activity, as it is
 37 customarily taught in a cosmetology school **or barber school**.

38 SECTION 40. IC 25-8-4-11 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 11. A person who holds
 40 a cosmetology school license **or a barber school license** shall display
 41 a sign that complies with standards prescribed by the board on the
 42 premises of that establishment indicating that the establishment is a

C
o
p
y



cosmetology school **or barber school** licensed under this article.

SECTION 41. IC 25-8-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 13. A person who holds any license issued under this chapter except the licenses described in section 11 of this chapter shall display the license in a conspicuous place in that person's work area in the cosmetology salon, ~~or~~ cosmetology school, **barbershop, or barber school** where the person is employed. The license must be clearly visible to a customer of that person who is present in the licensed person's work area.

SECTION 42. IC 25-8-4-17, AS AMENDED BY P.L.177-2009, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 17. (a) Except for an instructor license issued under subsection (d), ~~or~~ IC 25-8-6-1, **or IC 25-8-6.4**, a license issued under this article expires on a date specified by the licensing agency under IC 25-1-6-4 and expires four (4) years after the initial expiration date.

(b) A license issued to an instructor under IC 25-8-6-1 **or IC 25-8-6.4** expires at the time that the instructor's practitioner license expires. The board shall renew an instructor's license under this subsection concurrently with the instructor's practitioner license.

(c) Except as provided in IC 25-8-9-11, a person who holds a license under this article may apply for renewal.

(d) Initial provisional licenses are valid for a length of time determined by the board, but not to exceed two (2) years.

SECTION 43. IC 25-8-6.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

Chapter 6.3. Barber School Licenses

Sec. 1. The board may issue a license under this article to operate a barber school.

Sec. 2. A person must file a verified application with the board on a form prescribed by the board to obtain a barber school license.

Sec. 3. The application described in section 2 of this chapter must state that:

- (1) the proposed school will require students to successfully complete at least one thousand five hundred (1,500) hours of course work as a requirement for graduation;**
- (2) not more than ten (10) hours of course work may be taken by a student during one (1) day;**
- (3) the course work will provide instruction to students in all theories and practical applications of barbering, including:**

C
o
p
y



- 1 (A) the scientific fundamentals for barbering, hygiene, and
- 2 bacteriology;
- 3 (B) the histology of hair, skin, muscles, and nerves;
- 4 (C) the structure of the head, face, and neck;
- 5 (D) elementary chemistry relating to sterilization and
- 6 antiseptics;
- 7 (E) cutting, shaving, arranging, dressing, coloring,
- 8 bleaching, tinting, and permanent waving of the hair; and
- 9 (F) at least ten (10) hours of study on skin and diseases of
- 10 the skin under a certified dermatologist;
- 11 (4) the school will provide one (1) instructor for each group of
- 12 twenty (20) or fewer students;
- 13 (5) the school will be operated under the personal supervision
- 14 of a licensed barber instructor;
- 15 (6) the applicant has obtained:
- 16 (A) a building permit;
- 17 (B) a certificate of occupancy; or
- 18 (C) any other planning approval required under
- 19 IC 22-15-3 and IC 36-7-4;
- 20 required to operate the school;
- 21 (7) the school, if located in the same building as a residence,
- 22 will:
- 23 (A) be separated from the residence by a substantial floor
- 24 to ceiling partition; and
- 25 (B) have a separate entrance;
- 26 (8) as a requirement for graduation, the proposed school will:
- 27 (A) administer; and
- 28 (B) require a student to pass;
- 29 a final practical demonstration examination of the acts
- 30 permitted by the license; and
- 31 (9) the applicant has paid the fee set forth in IC 25-8-13.
- 32 Sec. 4. (a) A barber school licensed under this chapter shall
- 33 require each student for graduation to pass a final examination
- 34 that tests the student's practical knowledge of the curriculum
- 35 studied.
- 36 (b) The board shall consider an applicant for the barbering
- 37 professional examination as fulfilling the practical examination
- 38 requirement established in IC 25-8-4-7 after successfully
- 39 completing the final practical demonstration examination.
- 40 (c) A passing score of at least seventy-five percent (75%) is
- 41 required on the final practical demonstration examination.
- 42 (d) A barber school licensed under this chapter shall allow each

C
o
p
y



1 student for graduation at least three (3) attempts to pass the final
2 practical demonstration examination.

3 (e) The board may monitor the administration of the final
4 practical demonstration examination for any of the following
5 purposes:

- 6 (1) As a result of a complaint received.
- 7 (2) As part of random observations.
- 8 (3) To collect data.

9 Sec. 5. The board may adopt rules under IC 4-22-2 requiring
10 that the curriculum offered by a barber school licensed under this
11 chapter provide a minimum number of hours of instruction in each
12 of the subjects described in section 3(3) of this chapter.

13 Sec. 6. A barber school licensed under this chapter shall display
14 a sign:

- 15 (1) that complies with standards established by the board;
- 16 (2) that is located at each entrance used by the school's
17 customers; and
- 18 (3) that states that students perform barbering in the
19 establishment.

20 SECTION 44. IC 25-8-6.4 IS ADDED TO THE INDIANA CODE
21 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2010]:

23 **Chapter 6.4. Barber Instructor Licenses**

24 Sec. 1. The board may license a person to be an instructor.

25 Sec. 2. A person must file a verified application with the board
26 on a form prescribed by the board to obtain an instructor license.

27 Sec. 3. The application described in section 2 of this chapter
28 must state that the applicant:

- 29 (1) holds a barber license issued under this article;
- 30 (2) has graduated from high school or received a high school
31 equivalency certificate;
- 32 (3) has successfully completed at least nine hundred (900)
33 hours of instruction in the theory and practice of instructor
34 training as a student in a barber school;
- 35 (4) has received a satisfactory grade of at least seventy-five
36 percent (75%) on an examination for instructor license
37 applicants prescribed by the board; and
- 38 (5) has paid the fee set forth in IC 25-8-13 for the issuance of
39 a license under this chapter.

40 Sec. 4. (a) If a person does not receive a satisfactory grade on
41 the examination described in IC 25-8-4-7, the person may repeat
42 the examination subject to the rules governing the examination

C
o
p
y



adopted by the board.

(b) If a person does not receive a satisfactory grade on the examination described in subsection (a), the board may:

(1) refuse to permit the person to take the examination again;
or

(2) permit the person to take the examination again subject to the rules governing the examination adopted by the board.

SECTION 45. IC 25-8-8.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

Chapter 8.1. Barbershop Licenses

Sec. 1. The board may issue a license under this article to operate a barbershop.

Sec. 2. A person who wishes to obtain a barbershop license must:

(1) select a site for the barbershop that, if located in the same building as a residence:

(A) is separated from the residence by a substantial floor to ceiling partition; and

(B) has a separate entrance from the residence;

(2) obtain:

(A) a building permit;

(B) a certificate of occupancy; or

(C) any other approval action required under IC 22-15-3 and IC 36-7-4;

required to operate the barbershop;

(3) install furnishings and obtain shop equipment required under rules adopted by the board; and

(4) submit a verified statement on a form prescribed by the board that the barbershop will be under the personal supervision of a barber licensed under this article.

Sec. 3. The board may issue a license under this chapter if the applicant has:

(1) complied with section 2 of this chapter; and

(2) paid the fee for the license set forth in IC 25-8-13.

Sec. 4. A person holding a license issued under this chapter shall display a sign complying with standards prescribed by the board.

The sign must:

(1) be clearly visible to a customer entering the establishment at the shop's main public entrance; and

(2) state in legible printing that the establishment is licensed as a barbershop.

**C
O
P
Y**



1 **Sec. 5. (a) If:**

2 (1) the board cannot determine whether an applicant has
3 complied with section 2 of this chapter at the time the
4 application is filed; and

5 (2) the board determines that more than fifteen (15) days are
6 required to determine if the applicant has complied with
7 section 2 of this chapter;

8 the board shall issue a temporary barbershop license to the
9 applicant.

10 (b) A temporary license issued under subsection (a) is valid
11 until:

12 (1) the board approves or denies the application for a license
13 under this chapter; or

14 (2) three (3) months after the issuance of the temporary
15 license;

16 whichever occurs first.

17 SECTION 46. IC 25-8-12.1 IS ADDED TO THE INDIANA CODE
18 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2010]:

20 **Chapter 12.1. Barber Licenses**

21 **Sec. 1. The board may license a person to be a barber.**

22 **Sec. 2. A person must file a verified application with the board**
23 **on a form prescribed by the board to obtain a barber license.**

24 **Sec. 3. The application described in section 2 of this chapter**
25 **must state that the applicant:**

26 (1) is either:

27 (A) at least eighteen (18) years of age; or

28 (B) at least seventeen (17) years of age and is a graduate of
29 an accredited high school;

30 (2) has graduated from an approved barber school with not
31 less than one thousand five hundred (1,500) hours of training;

32 (3) has received a satisfactory grade of at least seventy-five
33 percent (75%) on an examination for barber license
34 applicants prescribed by the board;

35 (4) has not committed an act that could subject the applicant
36 to discipline under IC 25-1-11; and

37 (5) has paid the fee set forth in IC 25-8-13 for the issuance of
38 a license under this chapter.

39 **Sec. 4. (a) If a person does not receive a satisfactory grade on**
40 **the examination described in IC 25-8-4-7, that person may repeat**
41 **the examination subject to the rules governing the examination**
42 **adopted by the board.**

C
O
P
Y



(b) If a person does not receive a satisfactory grade on the examination described in subsection (a), the board may:

- (1) refuse to permit the person to take the examination again; or
- (2) permit the person to take the examination again subject to the rules governing the examination adopted by the board.

Sec. 5. A person licensed under this chapter may not engage in barbering in a barber school except as part of student instruction.

Sec. 6. A person licensed under this chapter may not engage in barbering outside a barbershop unless the person:

- (1) has the permission of a person who holds a barbershop license and:
 - (A) employs; or
 - (B) leases or subleases a part of a shop to; the person licensed under this chapter; and
- (2) complies with any other practice restrictions established by the board under this chapter.

Sec. 7. The board may issue a temporary work permit to practice barbering.

Sec. 8. A person must file a verified application with the board on a form prescribed by the board to obtain a temporary work permit.

Sec. 9. The application described in section 8 of this chapter must state that the applicant will practice barbering under the supervision of a barber, and:

- (1) has filed an application under section 2 of this chapter, but has not taken the examination described in IC 25-8-4-7; or
- (2) has filed an application under IC 25-8-4-2(g) and is awaiting board determination as described in IC 25-8-4-2(g).

Sec. 10. (a) Except when held by a barber applicant who has filed an application under IC 25-8-4-2(g), a work permit issued under section 7 of this chapter expires:

- (1) three (3) months after the date of issuance; or
- (2) thirty (30) days after the permit holder takes the examination described in IC 25-8-4-7;

whichever occurs first.

(b) A work permit held by a barber license applicant who has filed an application under IC 25-8-4-2(g) expires thirty (30) days after the board determination as described in IC 25-8-4-2(g).

Sec. 11. The board may not:

- (1) renew or reinstate a work permit; or
- (2) grant a person more than one (1) work permit;

C
o
p
y



1 issued under section 7 of this chapter.

2 **Sec. 12. A person who:**

3 (1) enters active military service of the United States or of this
4 state:

5 (A) in time of war or an emergency;

6 (B) for or during a period of training; or

7 (C) in connection with or under the operation of a system
8 of selective service; and

9 (2) at the time of entry holds a valid license as a registered
10 barber;

11 shall be granted a like certificate of registration or license upon
12 presenting to the board an honorable discharge from military
13 service, dated not more than six (6) months before the time of the
14 presentation. The like certificate or license shall be granted by the
15 board upon payment of a fee established by the board.

16 **Sec. 13. (a) This section applies only to applications for a barber
17 license under this chapter.**

18 (b) If an applicant comes from a jurisdiction that does not issue
19 a barber license, the board may issue an initial provisional license
20 to an applicant who meets the following requirements:

21 (1) The board finds that the applicant has sufficient training
22 or experience as a barber.

23 (2) The applicant has not committed an act that would
24 constitute a violation of the standards of practice under
25 IC 25-1-11.

26 (3) The applicant pays a fee established by the board under
27 IC 25-1-8.

28 (c) An applicant who has been granted an initial provisional
29 license must work under the supervision of a licensed barber.

30 (d) A person who holds an initial provisional license may apply
31 for renewal of a barber license under this article.

32 (e) The holder of a provisional license may petition the board
33 for the issuance of a barber license to practice without supervision.
34 The holder of a provisional license who demonstrates to the board
35 that the holder may satisfactorily practice without supervision
36 shall be released from terms of the provisional license and is
37 entitled to hold a license under this chapter.

38 **SECTION 47. IC 25-8-13-2 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. The board may not
40 charge a fee for:**

41 (1) transferring a cosmetology salon license under IC 25-8-4-4 or
42 barbershop license under IC 25-8-8.1; or

**C
o
p
y**



(2) issuing a temporary license to practice cosmetology under IC 25-8-7-6 **or a temporary work permit to practice barbering under IC 25-8-12.1-7.**

SECTION 48. IC 25-8-13-3, AS AMENDED BY P.L.157-2006, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for an application to issue or renew a cosmetology school **or barber school** license.

(b) The board shall charge a fee established under IC 25-1-8-6 for reinstating a cosmetology school **or barber school** license.

SECTION 49. IC 25-8-13-4, AS AMENDED BY P.L.157-2006, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing or renewing

- (1) ~~a cosmetology instructor license;~~
- (2) ~~an esthetics instructor license; or~~
- (3) ~~an electrology instructor license.~~

(b) The board shall charge a fee established under IC 25-1-8-6 for reinstating an instructor license.

SECTION 50. IC 25-8-13-5, AS AMENDED BY P.L.157-2006, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing or renewing:

- (1) a cosmetology salon license;
- (2) an electrology salon license;
- (3) an esthetic salon license; ~~or~~
- (4) a manicurist salon license; **or**
- (5) **a barbershop license.**

(b) The board shall charge a fee established under IC 25-1-8-6 for reinstating:

- (1) a cosmetology salon license;
- (2) an electrology salon license;
- (3) an esthetic salon license; ~~or~~
- (4) a manicurist salon license; **or**
- (5) **a barbershop license.**

SECTION 51. IC 25-8-13-12.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 12.1. (a) The board shall establish fees under IC 25-1-8-2 for providing an examination to an applicant for a barber license.**

(b) The board shall establish fees under IC 25-1-8-2 for issuing or renewing a barber license.

C
o
p
y



(c) The board shall charge a fee established under IC 25-1-8-6 for reinstating a barber license.

(d) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing a license to a person who holds a barber license from another jurisdiction that meets the requirements under IC 25-8-4-2.

SECTION 52. IC 25-8-14-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 6. (a) A person who:

(1) is a cosmetologist, a manicurist, an electrologist, an esthetician, **a barber**, or an instructor; and

(2) knowingly performs any act authorized by a license issued under this article while the person has an infectious, a contagious, or a communicable disease that has been epidemiologically demonstrated to be transmitted through casual contact;

commits a Class C infraction.

(b) A person who knowingly attends a cosmetology school **or a barber school** as a student while the person has an infectious, a contagious, or a communicable disease that has been epidemiologically demonstrated to be transmitted through casual contact commits a Class C infraction.

SECTION 53. IC 25-10-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 14. (a) This section applies to all persons, including persons listed in IC 25-22.5-1-2.

(b) A person may manually manipulate, manually adjust, or manually mobilize the spinal column or the vertebral column of an individual only if the person is:

(1) a chiropractor who has been issued a license under this chapter;

(2) a physician who has been issued an unlimited license to practice medicine under IC 25-22.5; or

(3) an osteopathic physician who has been issued a license to practice osteopathic medicine under IC 25-22.5.

(c) A person may not delegate the manual manipulation, manual adjustment, or manual mobilization of the spinal column or the vertebral column of an individual to another person, unless the other person is:

(1) licensed as a chiropractor under this chapter;

(2) licensed as a physician with an unlimited license to practice medicine under IC 25-22.5;

(3) licensed as an osteopathic physician with a license to practice osteopathic medicine under IC 25-22.5;

(4) a student in the final year of course work at an accredited

C
o
p
y



chiropractic school participating in a preceptorship program and working under the direct supervision of a chiropractor licensed under this chapter; or

(5) a graduate of a chiropractic school who holds a valid temporary permit issued under section 5.5 of this chapter.

(d) If a violation of subsection (b) or (c) is being committed:

(1) the board in its own name;

(2) the board in the name of the state; or

(3) the prosecuting attorney of the county in which the violation occurs, at the request of the board and in the name of the state; may apply for an order enjoining the violation from the circuit court of the county in which the violation occurs.

~~(e) Upon a showing that a person has violated subsection (b) or (c), the court may grant without bond an injunction, a restraining order, or other appropriate order.~~

~~(f) (e)~~ This section does not apply to a physical therapist practicing under IC 25-27. However, a physical therapist may not practice chiropractic (as defined in IC 25-10-1-1) or medicine (as defined in IC 25-22.5-1-1.1) unless licensed to do so.

SECTION 54. IC 25-15-8-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 19. If a violation of any of sections 21 through 26 of this chapter is being committed,

~~(1) the board, in its own name~~

~~(2) the board in the name of the state;~~

~~(3) the attorney general in the name of the state; at the request of the board; or~~

~~(4) the prosecuting attorney of the county in which the violation occurs; at the request of the board; and in the name of the state;~~

under IC 25-1-7-14, may apply for issue an order enjoining the violation. from the circuit court of the county in which the violation occurs:

SECTION 55. IC 25-23.6-8.5-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 1.5. An individual who applies for a license as a mental health counselor associate must meet the following requirements:**

(1) Furnish satisfactory evidence to the board that the individual has:

(A) received a master's or doctor's degree in mental health counseling therapy or in a related area as determined by the board from an institution of higher education that meets the requirements under section 2 of this chapter or

C
o
p
y



from a foreign school that has a program of study that meets the requirements under section 2(3)(A) or 2(3)(B) of this chapter; and
(B) completed the educational requirements under section 3 of this chapter.

(2) Furnish satisfactory evidence to the board that the individual does not have a conviction for a crime that has a direct bearing on the individual's ability to practice competently.

(3) Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a mental health counselor associate without endangering the public.

(4) Pay the fee established by the board.

(5) Pass an examination provided by the board.

SECTION 56. IC 25-23.6-8.5-3, AS AMENDED BY P.L.2-2007, SECTION 342, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. An applicant as a **mental health counselor** under section 1 or a **mental health counselor associate under section 1.5** of this chapter must complete the following educational requirements:

(1) Complete sixty (60) semester hours of graduate course work in counseling that must include either a master's degree that required not less than forty-eight (48) semester hours or a doctor's degree in counseling. The graduate course work must include the following content areas:

(A) Human growth and development.

(B) Social and cultural foundations of counseling.

(C) Helping relationship, including counseling theory and practice.

(D) Group dynamics, processes, counseling, and consultation.

(E) Lifestyle and career development.

(F) Assessment and appraisal of individuals.

(G) Research and program evaluation.

(H) Professional orientation and ethics.

(I) Foundations of mental health counseling.

(J) Contextual dimensions of mental health counseling.

(K) Knowledge and skills for the practice of mental health counseling and psychotherapy.

(L) Clinical instruction.

C
o
p
y



(2) Not less than one (1) supervised clinical practicum, internship, or field experience in a counseling setting, which must include a minimum of one thousand (1,000) clock hours consisting of one (1) practicum of one hundred (100) hours, one (1) internship of six hundred (600) hours, and one (1) advanced internship of three hundred (300) hours with at least one hundred (100) hours of face to face supervision. This requirement may be met by a supervised practice experience that took place away from an eligible postsecondary educational institution but that is certified by an official of the eligible postsecondary educational institution as being equivalent to a clinical mental health graduate level practicum or internship program at an institution accredited by an accrediting agency approved by the United States Department of Education or the Association of Universities and Colleges of Canada.

SECTION 57. IC 25-23.6-8.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. An individual who satisfies the requirements of:

(1) ~~sections section 1 or 1.5 of this chapter~~; and

(2) section 2 of this chapter;

may take the examination provided by the board.

SECTION 58. IC 25-23.6-8.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 7. The board shall issue a license to an ~~individual~~ **applicant as a mental health counselor under section 1 of this chapter or a mental health counselor associate under section 1.5 of this chapter** who:

(1) achieves a passing score, as determined by the board, on the examination provided under this chapter; and

(2) is otherwise qualified under this article.

SECTION 59. IC 25-23.6-8.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8. (a) A **mental health counselor** license issued by the board is valid for the remainder of the renewal period in effect on the date the certificate was issued.

(b) An individual may renew a **mental health counselor** license by:

(1) paying a renewal fee on or before the expiration date of the license; and

(2) completing at least twenty (20) hours of continuing education per licensure year.

(c) If an individual fails to pay a renewal on or before the expiration date of a **mental health counselor** license, the license becomes invalid.

SECTION 60. IC 25-23.6-8.5-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

C
o
p
y



[EFFECTIVE JULY 1, 2010]: **Sec. 8.5. (a) A mental health counselor associate license issued by the board is valid for the remainder of the renewal period in effect on the date the certificate was issued.**

(b) An individual may renew a mental health counselor associate license two (2) times by:

(1) paying a renewal fee on or before the expiration date of the license; and

(2) completing at least twenty (20) hours of continuing education per licensure year.

(c) The board may renew a mental health counselor associate license for additional periods based on circumstances determined by the board.

(d) If an individual fails to pay a renewal on or before the expiration date of a mental health counselor associate license, the license becomes invalid.

SECTION 61. IC 25-26-13-4.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 4.3. (a) Any rules adopted by the controlled substances advisory committee (IC 35-48-2-1(f)) before July 1, 2010, shall be treated as rules of the Indiana board of pharmacy (IC 25-26) on July 1, 2010.**

(b) This section expires July 1, 2015.

SECTION 62. IC 25-27-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 12. A person who recklessly, knowingly, or intentionally violates this chapter commits a Class B misdemeanor. In addition the board may, in the name of the state, through the attorney general, apply in any court to enjoin any person from practicing physical therapy or acting as a physical therapist's assistant, in violation of IC 25-27-1-2.**

SECTION 63. IC 25-34.1-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 2. (a) A person who:**

(1) performs the acts of a salesperson without a salesperson license;

(2) performs the acts of a broker without a broker license; or

(3) conducts, or solicits or accepts enrollment of students for, a course as prescribed in IC 25-34.1-3 without course approval;

commits a Class A infraction. Upon conviction for an offense under this section, the court shall add to any fine imposed, the amount of any fee or other compensation earned in the commission of the offense. Each transaction constitutes a separate offense.

(b) In all actions for the collection of a fee or other compensation for performing acts regulated by this article, it must be alleged and proved

**C
O
P
Y**



that, at the time the cause of action arose, the party seeking relief was not in violation of this section.

(c) The commission may issue a cease and desist order to prevent violations of this section:

(1) If the commission determines that a person is violating this section; or is believed to be violating this section; the commission may issue an order to that person setting forth the time and place for a hearing at which the affected person may appear and show cause as to why the challenged activities are not in violation of this section.

(2) After an opportunity for hearing; if the commission determines that the person is violating this section; the commission shall issue a cease and desist order which shall describe the person and activities which are the subject of the order.

(3) A cease and desist order issued under this section is enforceable in the circuit courts of this state.

(d) The attorney general; the commission; or the prosecuting attorney of any county in which a violation occurs may maintain an action in the name of the state to enjoin a person from violating this section:

(e) In charging any person in a complaint for an injunction or in affidavit; information; or indictment with the violation of the provisions of this section; it is sufficient, without averring any further or more particular facts; to charge that the person upon a certain day and in a certain county either acted as a real estate broker or salesperson not having a license or conducted; or solicited or accepted enrollment of students for; a broker or salesperson course without course approval.

(f) (c) Each enforcement procedure established in this section and IC 25-1-7-14 is supplemental to other enforcement procedures established in this section.

SECTION 64. IC 25-34.1-8-12, AS AMENDED BY P.L.3-2008, SECTION 204, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 12. (a) A person who:

(1) performs:

(A) the acts of a licensed real estate appraiser without a license; or

(B) the acts of a certified real estate appraiser without a certificate; or

(2) conducts or solicits or accepts enrollment of students for a course without course approval as required by section 13 of this chapter;

commits a Class B infraction. When a judgment is entered for an

C
o
p
y



offense under this section, the court shall add to any fine imposed the amount of any fee or other compensation earned in the commission of the offense. Each transaction constitutes a separate offense.

(b) In all actions for the collection of a fee or other compensation for performing acts regulated by this article, a party seeking relief must allege and prove that at the time the cause of action arose the party was not in violation of this section.

(c) ~~The attorney general, the board, or the prosecuting attorney of any county in which a violation occurs may maintain an action in the name of the state of Indiana to enjoin a person from violating this section.~~

(d) ~~In charging any person in a complaint for a judgment or an injunction for the violation of this section, it is sufficient, without averring any further or more particular facts, to charge that the person upon a certain day and in a certain county:~~

~~(1) acted as:~~

~~(A) a certified real estate appraiser without a certificate; or~~

~~(B) a licensed real estate appraiser without a license; or~~

~~(2) conducted, or solicited or accepted enrollment of students for a real estate appraiser course without course approval.~~

~~(e) (c) Each enforcement procedure established in this section and IC 25-1-7-14 is supplemental to other enforcement procedures established in this section.~~

SECTION 65. IC 25-34.5-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. A person who violates this chapter commits a Class B misdemeanor. ~~In addition to any other penalty imposed for a violation of this chapter, the board may, in the name of the state of Indiana through the attorney general, petition a circuit or superior court to enjoin the person who is violating this chapter from practicing respiratory care in violation of this chapter.~~

SECTION 66. IC 27-8-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. Notwithstanding any provision of any individual or group policy of accident and health insurance, or any provision of a policy, contract, plan, or agreement for hospital or medical service or indemnity, wherever such policy, contract, plan, or agreement provides for reimbursement for any service which is in the lawful scope of practice of a duly licensed dentist, health service provider in psychology, podiatrist, osteopath, optometrist, ~~or chiropractor, or athletic trainer~~, the person entitled to benefits or the person performing services under the policy, contract, plan, or agreement shall be entitled to reimbursement on an equal basis for such service, whether the service is performed by a physician,

C
o
p
y



dentist, health service provider in psychology, podiatrist, osteopath, optometrist, ~~or~~ chiropractor, **or athletic trainer** duly licensed under the laws of this state.

SECTION 67. IC 27-13-1-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 18. (a) "Health care services" means:

- (1) any services provided by individuals licensed under **IC 25-5.1**, IC 25-10, IC 25-13, IC 25-14, IC 25-22.5, IC 25-23, IC 25-24, IC 25-26, IC 25-27, IC 25-29, IC 25-33, or IC 25-35.6;
- (2) services provided as a result of hospitalization;
- (3) services incidental to the furnishing of services described in subdivision (1) or (2); or
- (4) any other services or goods furnished for the purpose of preventing, alleviating, curing, or healing human illness, physical disability, or injury.

(b) The term does not include any service provided by, from, or through a licensed health care facility in connection with any life care, founder's fee, or other type of prepaid fee contract for residency and health care in a retirement home, community, or facility for elderly persons.

SECTION 68. IC 34-30-2-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 2.5. IC 4-6-14-10 (Concerning the attorney general for destroying or failing to maintain custody and control of certain records).**

SECTION 69. IC 35-48-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) The board shall administer this article and may recommend to the general assembly the addition, deletion, or rescheduling of all substances listed in the schedules in sections 4, 6, 8, 10, and 12 of this chapter by submitting in an electronic format under IC 5-14-6 a report of such recommendations to the legislative council. In making a determination regarding a substance, the board shall consider the following:

- (1) The actual or relative potential for abuse.
- (2) The scientific evidence of its pharmacological effect, if known.
- (3) The state of current scientific knowledge regarding the substance.
- (4) The history and current pattern of abuse.
- (5) The scope, duration, and significance of abuse.
- (6) The risk to public health.
- (7) The potential of the substance to produce psychic or

C
o
p
y



physiological dependence liability.

(8) Whether the substance is an immediate precursor of a substance already controlled under this article.

(b) After considering the factors enumerated in subsection (a), the board shall make findings and recommendations concerning the control of the substance if it finds the substance has a potential for abuse.

(c) If the board finds that a substance is an immediate precursor, substances which are precursors of the controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor.

(d) If any substance is designated or rescheduled to a more restrictive schedule as a controlled substance under federal law and notice is given to the board, the board shall recommend similar control of the substance under this article in the board's report to the general assembly, unless the board objects to inclusion or rescheduling. In that case, the board shall publish the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the board shall publish its findings.

(e) If a substance is rescheduled to a less restrictive schedule or deleted as a controlled substance under federal law, the substance is rescheduled or deleted under this article. If the board objects to inclusion, rescheduling, or deletion of the substance, the board shall notify the chairman of the legislative council not more than thirty (30) days after the federal law is changed and the substance may not be rescheduled or deleted until the conclusion of the next complete session of the general assembly. The notice from the board to the chairman of the legislative council must be published.

(f) ~~There is established a sixteen (16) member controlled substances advisory committee to serve as a consultative and advising body to the board in all matters relating to the classification, reclassification, addition to, or deletion from of all substances classified as controlled substances in schedules I to IV or substances not controlled or yet to come into being. In addition, The advisory committee board shall conduct hearings and make recommendations to the board regarding revocations, suspensions, and restrictions of registrations as provided in IC 35-48-3-4. All hearings shall be conducted in accordance with IC 4-21.5-3. The advisory committee shall be made up of:~~

~~(1) two (2) physicians licensed under IC 25-22.5; one (1) to be elected by the medical licensing board of Indiana from among its members and one (1) to be appointed by the governor;~~

~~(2) two (2) pharmacists; one (1) to be elected by the state board of pharmacy from among its members and one (1) to be appointed~~

C
o
p
y



by the governor;

(3) two (2) dentists; one (1) to be elected by the state board of dentistry from among its members and one (1) to be appointed by the governor;

(4) the state toxicologist or the designee of the state toxicologist;

(5) two (2) veterinarians; one (1) to be elected by the state board of veterinary medical examiners from among its members and one (1) to be appointed by the governor;

(6) one (1) podiatrist to be elected by the board of podiatric medicine from among its members;

(7) one (1) advanced practice nurse with authority to prescribe legend drugs as provided by IC 25-23-1-19.5 who is:

(A) elected by the state board of nursing from among the board's members; or

(B) if a board member does not meet the requirements under IC 25-23-1-19.5 at the time of the vacancy on the advisory committee; appointed by the governor;

(8) the superintendent of the state police department or the superintendent's designee;

(9) three (3) members appointed by the governor who have demonstrated expertise concerning controlled substances; and

(10) one (1) member appointed by the governor who is a psychiatrist with expertise in child and adolescent psychiatry.

(g) All members of the advisory committee elected by a board shall serve a term of one (1) year and all members of the advisory committee appointed by the governor shall serve a term of four (4) years. Any elected or appointed member of the advisory committee; may be removed for cause by the authority electing or appointing the member. If a vacancy occurs on the advisory committee; the authority electing or appointing the vacating member shall elect or appoint a successor to serve the unexpired term of the vacating member. The board shall acquire the recommendations of the advisory committee pursuant to administration over the controlled substances to be or not to be included in schedules I to V; especially in the implementation of scheduled substances changes as provided in subsection (d).

(h) (g) Authority to control under this section does not extend to distilled spirits, wine, or malt beverages, as those terms are defined or used in IC 7.1, or to tobacco.

(i) (h) The board shall exclude any nonnarcotic substance from a schedule if that substance may, under the Federal Food, Drug, and Cosmetic Act or state law, be sold over the counter without a prescription.

C
o
p
y



SECTION 70. IC 35-48-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. ~~Registration.~~ (a) The board shall register an applicant to manufacture or distribute controlled substances unless it determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the board shall consider:

- (1) maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels;
- (2) compliance with applicable state and local law;
- (3) any convictions of the applicant under any federal and state laws relating to any controlled substance;
- (4) past experience in the manufacture or distribution of controlled substances, and the existence in the applicant's establishment of effective controls against diversion;
- (5) furnishing by the applicant of false or fraudulent material in any application filed under this article;
- (6) suspension or revocation of the applicant's federal registration to manufacture, distribute, or dispense controlled substances as authorized by federal law; and
- (7) any other factors relevant to and consistent with the public health and safety.

(b) Registration under subsection (a) of this section does not entitle a registrant to manufacture and distribute controlled substances in schedules I or II other than those specified in the registration.

(c) Practitioners must be registered to dispense any controlled substances or to conduct research with controlled substances in schedules II through V if they are authorized to dispense or conduct research under the law of this state. The board need not require separate registration under this chapter for practitioners engaging in research with nonnarcotic controlled substances in schedules II through V where the registrant is already registered under this chapter in another capacity, to the extent authorized by his registration in that other capacity.

(d) Registration to conduct research or instructional activities with controlled substances in schedules I through V does not entitle a registrant to conduct research or instructional activities with controlled substances other than those approved by the ~~controlled substances advisory committee~~ **board** in accordance with the registration.

(e) Compliance by manufacturers and distributors with the provisions of the federal law respecting registration (excluding fees) entitles them to be registered under this article.

C
o
p
y



SECTION 71. IC 35-48-3-5, AS AMENDED BY P.L.197-2007, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) An application for registration or re-registration submitted pursuant to and a registration issued under section 3 of this chapter to manufacture, distribute, or dispense a controlled substance may be denied, suspended, or revoked by the board upon a finding ~~by the advisory committee~~ that the applicant or registrant:

(1) has furnished false or fraudulent material information in any application filed under this article;

(2) has violated any state or federal law relating to any controlled substance;

(3) has had ~~his~~ **the applicant's or registrant's** federal registration suspended or revoked to manufacture, distribute, or dispense controlled substances; or

(4) has failed to maintain reasonable controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels.

(b) The board may limit revocation or suspension of a registration or the denial of an application for registration or re-registration to the particular controlled substance with respect to which grounds for revocation, suspension, or denial exist.

(c) If the board suspends or revokes a registration or denies an application for re-registration, all controlled substances owned or possessed by the registrant at the time of suspension or the effective date of the revocation or denial order may be placed under seal. The board may require the removal of such substances from the premises. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation or denial order becoming final, all controlled substances may be forfeited to the state.

(d) The board shall promptly notify the drug enforcement administration of all orders suspending or revoking registration, all orders denying any application for registration or re-registration, and all forfeitures of controlled substances.

(e) If the Drug Enforcement Administration terminates, denies, suspends, or revokes a federal registration for the manufacture, distribution, or dispensing of controlled substances, a registration issued by the board under this chapter is automatically suspended.

(f) The board may reinstate a registration that has been suspended

C
O
P
Y



under subsection (e), after a hearing, if the board is satisfied that the applicant is able to manufacture, distribute, or dispense controlled substances with reasonable skill and safety to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under IC 25-1-9-9 or this article.

(g) A registration issued under this chapter is automatically revoked if any state license authorizing a dispenser to act as a practitioner is revoked.

SECTION 72. IC 35-48-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 6. (a) Before recommending a denial, suspension, or revocation of a registration, or before refusing a renewal of registration, the ~~advisory committee~~ **board** shall serve upon the applicant or registrant an order to show cause why registration should not be denied, revoked, or suspended, or why the renewal should not be denied. The order to show cause shall contain a statement of the basis therefor and shall call upon the applicant or registrant to appear before the ~~advisory committee~~ **board** at a time and place not less than thirty (30) days after the date of service of the order, but in the case of a denial or renewal of registration the show cause order shall be served not later than thirty (30) days before the expiration of the registration. These proceedings shall be conducted in accordance with IC 4-21.5 without regard to any criminal prosecution or other proceeding. Proceedings to refuse renewal of registration shall not abate the existing registration, which shall remain in effect pending the outcome of the administrative hearing.

(b) The ~~advisory committee~~ **may recommend suspension; and the board** may suspend, without an order to show cause, any registration simultaneously with the institution of proceedings under section 4 of this chapter, or where renewal of registration is refused, if it finds that there is an imminent danger to the public health or safety which warrants this action. The suspension shall continue in effect until the conclusion of the proceedings, including judicial review thereof, unless sooner withdrawn by the board or dissolved by a court of competent jurisdiction.

(c) If an applicant for re-registration (who is doing business under a registration previously granted and not revoked nor suspended) has applied for re-registration at least forty-five (45) days before the date on which the existing registration is due to expire, the existing registration of the applicant shall automatically be extended and continue in effect until the date on which the board so issues its order. The board may extend any other existing registration under the circumstances contemplated in this section even though the registrant

C
o
p
y



1 failed to apply for re-registration at least forty-five (45) days before
 2 expiration of the existing registration, with or without request by the
 3 registrant, if the board finds that such extension is not inconsistent with
 4 the public health and safety.

5 SECTION 73. IC 35-48-7-8.1, AS AMENDED BY
 6 P.L.182-2009(ss), SECTION 399, IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8.1. ~~(a) This section~~
 8 ~~applies after June 30, 2007.~~

9 ~~(b)~~ The ~~advisory committee~~ **board** shall provide for a controlled
 10 substance prescription monitoring program that includes the following
 11 components:

12 (1) Each time a controlled substance designated by the ~~advisory~~
 13 ~~committee~~ **board** under IC 35-48-2-5 through IC 35-48-2-10 is
 14 dispensed, the dispenser shall transmit to the INSPECT program
 15 the following information:

16 (A) The controlled substance recipient's name.

17 (B) The controlled substance recipient's or the recipient
 18 representative's identification number or the identification
 19 number or phrase designated by the INSPECT program.

20 (C) The controlled substance recipient's date of birth.

21 (D) The national drug code number of the controlled substance
 22 dispensed.

23 (E) The date the controlled substance is dispensed.

24 (F) The quantity of the controlled substance dispensed.

25 (G) The number of days of supply dispensed.

26 (H) The dispenser's United States Drug Enforcement Agency
 27 registration number.

28 (I) The prescriber's United States Drug Enforcement Agency
 29 registration number.

30 (J) An indication as to whether the prescription was
 31 transmitted to the pharmacist orally or in writing.

32 (K) Other data required by the ~~advisory committee~~ **board**.

33 (2) The information required to be transmitted under this section
 34 must be transmitted not more than seven (7) days after the date on
 35 which a controlled substance is dispensed.

36 (3) A dispenser shall transmit the information required under this
 37 section by:

38 (A) uploading to the INSPECT web site;

39 (B) a computer diskette; or

40 (C) a CD-ROM disk;

41 that meets specifications prescribed by the ~~advisory committee~~
 42 **board**.

C
o
p
y



(4) The ~~advisory committee~~ **board** may require that prescriptions for controlled substances be written on a one (1) part form that cannot be duplicated. However, the ~~advisory committee~~ **board** may not apply such a requirement to prescriptions filled at a pharmacy with a Type II permit (as described in IC 25-26-13-17) and operated by a hospital licensed under IC 16-21, or prescriptions ordered for and dispensed to bona fide enrolled patients in facilities licensed under IC 16-28. The ~~committee~~ **board** may not require multiple copy prescription forms for any prescriptions written. The ~~advisory committee~~ **board** may not require different prescription forms for any individual drug or group of drugs. Prescription forms required under this subdivision must be ~~jointly~~ approved by the ~~committee~~ and by the Indiana board of pharmacy established by IC 25-26-13-3.

(5) The costs of the program.

SECTION 74. IC 35-48-7-10.1, AS ADDED BY P.L.65-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 10.1. ~~(a) This section applies after June 30, 2007.~~

~~(b)~~ (a) The INSPECT program must do the following:

(1) Create a data base for information required to be transmitted under section 8.1 of this chapter in the form required under rules adopted by the ~~advisory committee~~, **board**, including search capability for the following:

(A) A controlled substance recipient's name.

(B) A controlled substance recipient's or recipient representative's identification number.

(C) A controlled substance recipient's date of birth.

(D) The national drug code number of a controlled substance dispensed.

(E) The dates a controlled substance is dispensed.

(F) The quantities of a controlled substance dispensed.

(G) The number of days of supply dispensed.

(H) A dispenser's United States Drug Enforcement Agency registration number.

(I) A prescriber's United States Drug Enforcement Agency registration number.

(J) Whether a prescription was transmitted to the pharmacist orally or in writing.

(2) Provide the ~~advisory committee~~ **board** with continuing twenty-four (24) hour a day online access to the data base.

(3) Secure the information collected and the data base maintained against access by unauthorized persons.

C
o
p
y



~~(c)~~ **(b)** The ~~advisory committee board~~ may execute a contract with a vendor designated by the ~~advisory committee board~~ to perform any function associated with the administration of the INSPECT program.

~~(d)~~ **(c)** The INSPECT program may gather prescription data from the Medicaid retrospective drug utilization review (DUR) program established under IC 12-15-35.

~~(e)~~ **(d)** The ~~advisory committee board~~ may accept and designate grants, public and private financial assistance, and licensure fees to provide funding for the INSPECT program.

SECTION 75. IC 35-48-7-11.1, AS ADDED BY P.L.65-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 11.1. ~~(a)~~ This section applies after June 30, 2007.

~~(b)~~ **(a)** Information received by the INSPECT program under section 8.1 of this chapter is confidential.

~~(c)~~ **(b)** The ~~advisory committee board~~ shall carry out a program to protect the confidentiality of the information described in subsection ~~(b)~~: **(a)**. The ~~advisory committee board~~ may disclose the information to another person only under subsection **(c)**, **(d)**, ~~(e)~~, or ~~(h)~~: **(g)**.

~~(d)~~ **(c)** The ~~advisory committee board~~ may disclose confidential information described in subsection ~~(b)~~ **(a)** to any person who is authorized to engage in receiving, processing, or storing the information.

~~(e)~~ **(d)** Except as provided in subsections **(e)** and **(f)**, ~~and (g)~~: the ~~advisory committee board~~ may release confidential information described in subsection ~~(b)~~ **(a)** to the following persons:

(1) A member of the board ~~the advisory committee~~, or another governing body that licenses practitioners and is engaged in an investigation, an adjudication, or a prosecution of a violation under any state or federal law that involves a controlled substance.

(2) An investigator for the consumer protection division of the office of the attorney general, a prosecuting attorney, the attorney general, a deputy attorney general, or an investigator from the office of the attorney general, who is engaged in:

- (A) an investigation;
- (B) an adjudication; or
- (C) a prosecution;

of a violation under any state or federal law that involves a controlled substance.

(3) A law enforcement officer who is an employee of:

- (A) a local, state, or federal law enforcement agency; or
- (B) an entity that regulates controlled substances or enforces

C
o
p
y



controlled substances rules or laws in another state;
that is certified to receive information from the INSPECT
program.

(4) A practitioner or practitioner's agent certified to receive
information from the INSPECT program.

(5) A controlled substance monitoring program in another state
with which Indiana has established an interoperability agreement.

~~(f)~~ (e) Information provided to an individual under:

(1) subsection ~~(c)(3)~~ (d)(3) is limited to information:

(A) concerning an individual or proceeding involving the
unlawful diversion or misuse of a schedule II, III, IV, or V
controlled substance; and

(B) that will assist in an investigation or proceeding; and

(2) subsection ~~(c)(4)~~ (d)(4) may be released only for the purpose
of:

(A) providing medical or pharmaceutical treatment; or

(B) evaluating the need for providing medical or
pharmaceutical treatment to a patient.

~~(g)~~ (f) Before the ~~advisory committee~~ **board** releases confidential
information under subsection ~~(c)~~; (d), the applicant must be approved
by the INSPECT program in a manner prescribed by the ~~advisory
committee~~ **board**.

~~(h)~~ (g) The ~~advisory committee~~ **board** may release to:

(1) a member of the board ~~the advisory committee~~; or another
governing body that licenses practitioners;

(2) an investigator for the consumer protection division of the
office of the attorney general, a prosecuting attorney, the attorney
general, a deputy attorney general, or an investigator from the
office of the attorney general; or

(3) a law enforcement officer who is:

(A) authorized by the state police department to receive the
type of information released; and

(B) approved by the ~~advisory committee~~ **board** to receive the
type of information released;

confidential information generated from computer records that
identifies practitioners who are prescribing or dispensing large
quantities of a controlled substance.

~~(i)~~ (h) The information described in subsection ~~(h)~~ (g) may not be
released until it has been reviewed by:

(1) a member of the ~~advisory committee~~ **board** who is licensed in
the same profession as the prescribing or dispensing practitioner
identified by the data; or

C
o
p
y



(2) the ~~advisory committee's~~ **board's** designee;
and until that member or the designee has certified that further investigation is warranted. However, failure to comply with this subsection does not invalidate the use of any evidence that is otherwise admissible in a proceeding described in subsection ~~(j)~~: **(i)**.

~~(j)~~ **(i)** An investigator or a law enforcement officer receiving confidential information under subsection **(c)**, (d), ~~(e)~~, or ~~(h)~~ **(g)** may disclose the information to a law enforcement officer or an attorney for the office of the attorney general for use as evidence in the following:

(1) A proceeding under IC 16-42-20.

(2) A proceeding under any state or federal law that involves a controlled substance.

(3) A criminal proceeding or a proceeding in juvenile court that involves a controlled substance.

~~(k)~~ **(j)** The ~~advisory committee~~ **board** may compile statistical reports from the information described in subsection ~~(b)~~: **(a)**. The reports must not include information that identifies any practitioner, ultimate user, or other person administering a controlled substance. Statistical reports compiled under this subsection are public records.

~~(h)~~ **(k)** This section may not be construed to require a practitioner to obtain information about a patient from the data base.

~~(m)~~ **(l)** A practitioner is immune from civil liability for an injury, death, or loss to a person solely due to a practitioner seeking or not seeking information from the INSPECT program. The civil immunity described in this subsection does not extend to a practitioner if the practitioner receives information directly from the INSPECT program and then negligently misuses this information. This subsection does not apply to an act or omission that is a result of gross negligence or intentional misconduct.

~~(n)~~ **(m)** The ~~advisory committee~~ **board** may review the records of the INSPECT program. If the ~~advisory committee~~ **board** determines that a violation of the law may have occurred, the ~~advisory committee~~ **board** shall notify the appropriate law enforcement agency or the relevant government body responsible for the licensure, regulation, or discipline of practitioners authorized by law to prescribe controlled substances.

SECTION 76. IC 35-48-7-12.1, AS ADDED BY P.L.65-2006, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 12.1. ~~(a) This section applies after June 30, 2007.~~

~~(b)~~ **(a)** The ~~advisory committee~~ **board** shall adopt rules under IC 4-22-2 to implement this chapter, including the following:

(1) Information collection and retrieval procedures for the

C
o
p
y



INSPECT program, including the controlled substances to be included in the program required under section 8.1 of this chapter.

(2) Design for the creation of the data base required under section 10.1 of this chapter.

(3) Requirements for the development and installation of online electronic access by the ~~advisory committee~~ **board** to information collected by the INSPECT program.

(4) Identification of emergency situations or other circumstances in which a practitioner may prescribe, dispense, and administer a prescription drug specified in section 8.1 of this chapter without a written prescription or on a form other than a form specified in section ~~8.1(b)(4)~~ **8.1(4)** of this chapter.

~~(c)~~ **(b)** The ~~advisory committee~~ **board** may:

(1) Set standards for education courses for individuals authorized to use the INSPECT program.

(2) Identify treatment programs for individuals addicted to controlled substances monitored by the INSPECT program.

(3) Work with impaired practitioner associations to provide intervention and treatment.

SECTION 77. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2010]: IC 25-2.1-13-1; IC 25-6.1-7-3; IC 25-7; IC 25-8-3-3; IC 25-8-3-4; IC 25-14-1-14; IC 25-19-1-14; IC 25-20.2-8-4; IC 25-20.5-1; IC 25-21.5-11-1; IC 25-22.5-8-4; IC 25-23-1-27.2; IC 25-24-1-19; IC 25-26-13-28; IC 25-30-1-22; IC 25-30-1.3-24; IC 25-31-1-29; IC 25-32-1; IC 25-33-1-16; IC 25-38.1-4-12; IC 35-48-1-4; IC 35-48-2-1.5; IC 35-48-7-1.

SECTION 78. [EFFECTIVE JULY 1, 2010] **(a) IC 27-8-6-1, as amended by this act, applies to a policy of accident and sickness insurance that is issued, delivered, amended, or renewed after June 30, 2010.**

(b) IC 27-13-1-18, as amended by this act, applies to an individual contract (as defined in IC 27-13-1-21) or a group contract (as defined in IC 27-13-1-16) that is entered into, delivered, amended, or renewed after June 30, 2010.

(c) This SECTION expires July 1, 2015.

SECTION 79. [EFFECTIVE JULY 1, 2010] **(a) The definitions in IC 25-8, as amended by this act, apply to this SECTION.**

(b) Any license by the:

(1) state board of barber examiners (IC 25-7-5-1 (before its repeal)); or

(2) state board of cosmetology examiners (IC 25-8-3-1); as effective on June 30, 2010, and before July 1, 2010, shall be

C
o
p
y



1 treated after June 30, 2010, as if the license had been issued by the
 2 state board of cosmetology and barber examiners under
 3 IC 25-8-3-1, as amended by this act.

4 (c) On July 1, 2010, all the powers, duties, orders, and liabilities
 5 of the:

6 (1) state board of barber examiners (IC 25-7-5-1 (before its
 7 repeal)); or

8 (2) state board of cosmetology examiners (IC 25-8-3-1);
 9 concerning the examination, licensing, and disciplining of a person
 10 licensed or an applicant applying for a license under IC 25-7
 11 (before its repeal) or IC 25-8, as amended by this act, are
 12 transferred to the state board of cosmetology and barber
 13 examiners under IC 25-8-3-1, as amended by this act.

14 (d) On July 1, 2010, the property and records of the:

15 (1) state board of barber examiners (IC 25-7-5-1 (before its
 16 repeal)); or

17 (2) state board of cosmetology examiners (IC 25-8-3-1);
 18 concerning the examination, licensing, and disciplining of a person
 19 licensed or an applicant applying for a license under IC 25-7
 20 (before its repeal) or IC 25-8, as amended by this act, are
 21 transferred to the state board of cosmetology and barber
 22 examiners under IC 25-8-3-1, as amended by this act.

23 (e) Any rules adopted by the:

24 (1) state board of barber examiners (IC 25-7-5-1 (before its
 25 repeal)); or

26 (2) state board of cosmetology examiners (IC 25-8-3-1); and
 27 in effect on June 30, 2010, shall be treated as rules of the state
 28 board of cosmetology and barber examiners under IC 25-8-3-1, as
 29 amended by this act, on July 1, 2010.

30 (f) Notwithstanding IC 25-8-3-7, the initial terms of office of the
 31 members of the board appointed under IC 25-8-3-5, as amended by
 32 this act, are as follows:

33 (1) One (1) member appointed under IC 25-8-3-5(b)(1) and
 34 one (1) member appointed under IC 25-8-3-5(b)(2), three (3)
 35 years.

36 (2) One (1) member appointed under IC 25-8-3-5(b)(2), one
 37 (1) member appointed under IC 25-8-3-5(b)(3), and one (1)
 38 member appointed under IC 25-8-3-5(b)(4), two (2) years.

39 (3) One (1) member appointed under IC 25-8-3-5(b)(1) and
 40 one (1) member appointed under IC 25-8-3-5(b)(5), one (1)
 41 year.

42 The governor shall specify the terms of the cosmetologist and

C
o
p
y



1 barber members described in subdivisions (1), (2), and (3) when
2 making the initial appointments.

3 (g) The initial terms of the appointed members begin July 1,
4 2010.

5 (h) This SECTION expires July 1, 2015.

6 SECTION 80. [EFFECTIVE JULY 1, 2010] (a) Any license by the
7 controlled substances advisory committee (IC 35-48-2-1) as
8 effective on June 30, 2010, and before July 1, 2010, shall be treated
9 after June 30, 2010, as if the license had been issued by the Indiana
10 board of pharmacy (IC 25-26).

11 (b) On July 1, 2010, the powers, duties, orders, liabilities,
12 property, and records of the controlled substances advisory
13 committee (IC 35-48-2-1) concerning the investigation, licensing,
14 and disciplining of a person licensed or an applicant applying for
15 a license under IC 35-48, as amended by this act, are transferred
16 to the Indiana board of pharmacy (IC 25-26).

17 (c) This SECTION expires July 1, 2015.

C
o
p
y

